

**CALIFORNIA FISHERIES & SEAFOOD INSTITUTE  
LEGISLATIVE REPORT  
NOVEMBER 2012**

**BILL NUMBER: AB 88            AMENDED**  
AMENDED IN ASSEMBLY MARCH 21, 2011

INTRODUCED BY Assembly Member Huffman  
( Coauthors: Assembly Members  
Allen, Ammiano, Chesbro, and  
Monning )

JANUARY 6, 2011

LEGISLATIVE COUNSEL'S DIGEST

AB 88, as amended, Huffman. Food labeling: genetically engineered food.

The Sherman Food, Drug, and Cosmetic Law makes it unlawful to manufacture, sell, deliver, hold, or offer for sale, any food that is misbranded. Food is misbranded if its labeling does not conform to specified federal labeling requirements regarding nutrition, nutrient content or health claims, and food allergens. Violation of this law is a misdemeanor.

This bill would state the intent of the Legislature to enact legislation to require the labeling of all genetically engineered salmon entering and sold within the state.

*This bill would provide that food is misbranded if the food is a genetically engineered fish or fish product, as defined, and its labeling does not conspicuously identify the fish or fish product as genetically engineered. This bill would make related findings. By changing the definition of a crime, this bill would impose a state-mandated local program.*

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

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

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~  
yes . State-mandated local program: ~~no~~  
yes .

**BILL NUMBER: AB 152            CHAPTERED**

CHAPTER 503  
FILED WITH SECRETARY OF STATE OCTOBER 6, 2011  
APPROVED BY GOVERNOR OCTOBER 5, 2011  
PASSED THE SENATE SEPTEMBER 6, 2011  
PASSED THE ASSEMBLY SEPTEMBER 8, 2011  
AMENDED IN SENATE AUGUST 30, 2011  
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AMENDED IN SENATE JULY 12, 2011  
AMENDED IN ASSEMBLY MAY 27, 2011  
AMENDED IN ASSEMBLY APRIL 14, 2011  
AMENDED IN ASSEMBLY MARCH 15, 2011

INTRODUCED BY Assembly Member Fuentes  
(Coauthors: Assembly Members Achadjian, Fletcher, and Harkey)  
(Coauthors: Senators Hancock and Padilla)

JANUARY 18, 2011

LEGISLATIVE COUNSEL'S DIGEST

AB 152, Fuentes. Food banks: grants: voluntary contributions: income tax credits.

(1) Existing law establishes the scope of functions and responsibilities of the State Department of Public Health.

This bill would additionally require the State Department of Public Health to investigate and apply for federal funding opportunities regarding promoting healthy eating and preventing obesity, as specified, and, upon receipt of that funding, allow the department to award grants and provide in-kind support to support local assistance to local governments, nonprofit organizations, and local education agencies that encourage specified healthy eating programs, as provided.

(2) Existing federal law, the Emergency Food Assistance Program, is administered by the State Department of Social Services to provide agricultural commodities to eligible households and recipient agencies for distribution, as prescribed.

This bill would require the State Department of Social Services, on and after January 1, 2012, to establish and administer the State Emergency Food Assistance Program (SEFAP), to provide emergency food and funding for the provision of emergency food to food banks, as provided. This bill would create the State Emergency Food Assistance Program Account and would, upon appropriation by the Legislature, allocate the moneys in the account to SEFAP and require that those moneys be used for the purchase, storage, and transportation of food grown or produced in California, as prescribed, and for the department's administrative costs.

(3) The Personal Income Tax Law and the Corporation Tax Law authorize various credits against the taxes imposed by those laws.

This bill would, under both laws, for taxable years beginning on or after January 1, 2012, and before January 1, 2017, allow, without regard to the taxpayer's method of accounting, a credit for qualified taxpayers, as defined, in an amount equal to 10% of the cost that would otherwise be included in inventory costs, as specified, with respect to the donation of fresh fruits or fresh vegetables to food banks located in California.

**BILL NUMBER: AB 234            AMENDED**  
AMENDED IN ASSEMBLY JANUARY 4, 2012

INTRODUCED BY Assembly Member Wieckowski

FEBRUARY 3, 2011

LEGISLATIVE COUNSEL'S DIGEST

AB 234, as amended, Wieckowski. ~~Healthy food options.~~  
~~Income tax: credits: full-time employees: hires.~~

*The Personal Income Tax Law and the Corporation Tax Law authorize various credits against the taxes imposed by those laws, including a credit for taxable years beginning on or after January 1, 2009, in the amount of \$3,000 for each full-time employee hired by a qualified employer, with a maximum cumulative credit of \$400,000,000 for all taxable years. Those laws define "qualified employer" as a taxpayer that employed 20 or fewer employees as of the last day of the preceding taxable year.*

*This bill would, under both laws, for taxable years beginning on or after January 1, 2012, redefine "qualified employer" to mean a*

*disabled veteran business enterprise, a disadvantaged business enterprise, a microbusiness, or a small business, respectively, as defined, redefine "qualified full-time employee," as provided, and increase the amount of credit allowed for each qualified full-time employee to either \$4,500 or \$9,100, as provided.*

*This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature.*

*This bill would take effect immediately as a tax levy.*

~~Existing law, until January 1, 2013, requires the State Department of Public Health to develop a "Healthy Food Purchase" pilot program to increase the sale and purchase of fresh fruits and vegetables in low income communities, as specified. Existing law authorizes the department to implement the program to the extent that the Department of Finance determines that there are sufficient funds available for that purpose from any source, including state funds, federal funds, except as specified, or funds received from grants or private donations.~~

~~This bill would declare the intent of the Legislature to enact legislation to ensure that all Californians have access to fresh produce and healthy food options.~~

Vote: ~~majority~~ 2/3 . Appropriation:  
no. Fiscal committee: ~~no~~ yes .  
State-mandated local program: no.

**BILL NUMBER: AB 337      CHAPTERED**

CHAPTER 273

FILED WITH SECRETARY OF STATE SEPTEMBER 7, 2011

APPROVED BY GOVERNOR SEPTEMBER 7, 2011

PASSED THE SENATE AUGUST 18, 2011

PASSED THE ASSEMBLY AUGUST 22, 2011

AMENDED IN SENATE JUNE 20, 2011

AMENDED IN ASSEMBLY MARCH 25, 2011

INTRODUCED BY Assembly Member Monning

FEBRUARY 10, 2011

**LEGISLATIVE COUNSEL'S DIGEST**

AB 337, Monning. Ocean resources: Ocean Protection Council: sustainable seafood.

The California Ocean Protection Act establishes the Ocean Protection Council in state government. Existing law requires the council to develop and implement a specified voluntary sustainable seafood promotion program. The program would, among other things, consist of a protocol, which is required to be developed in a transparent process and adopted by the council in a public meeting, to guide entities on how to be independently certified to internationally accepted standards for sustainable seafood, as defined, a marketing assistance program, and a competitive grant and loan program. It would prohibit seafood produced through aquaculture or fish farming from being certified as sustainable under these provisions until nationally or internationally accepted sustainability standards have been developed and implemented.

The Administrative Procedure Act generally sets forth the

requirements for the adoption, publication, review, and implementation of regulations by state agencies.

This bill would provide that the voluntary sustainable seafood program, each component of the program, and actions taken by the council to implement the program are not regulations for the purposes of the Administrative Procedure Act. The bill would expressly require that any substantive amendments or revisions to the protocol be developed in a transparent process and adopted by the council in a public meeting.

**BILL NUMBER: AB 376            CHAPTERED**

CHAPTER 524

FILED WITH SECRETARY OF STATE OCTOBER 7, 2011

APPROVED BY GOVERNOR OCTOBER 7, 2011

PASSED THE SENATE SEPTEMBER 6, 2011

PASSED THE ASSEMBLY MAY 23, 2011

AMENDED IN ASSEMBLY MAY 19, 2011

AMENDED IN ASSEMBLY MARCH 14, 2011

INTRODUCED BY Assembly Members Fong and Huffman  
(Coauthor: Assembly Member Ammiano)

FEBRUARY 14, 2011

**LEGISLATIVE COUNSEL'S DIGEST**

AB 376, Fong. Shark fins.

Existing law makes it unlawful to possess any bird, mammal, fish, reptile, or amphibian, or parts thereof, taken in violation of any of the provisions of the Fish and Game Code, or of any regulation made under it.

This bill, except as specified, would make it unlawful for any person to possess, sell, offer for sale, trade, or distribute a shark fin, as defined.

The bill, by creating a new crime, would impose a state-mandated local program.

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

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

**BILL NUMBER: AB 581            CHAPTERED**

CHAPTER 505

FILED WITH SECRETARY OF STATE OCTOBER 6, 2011

APPROVED BY GOVERNOR OCTOBER 5, 2011

PASSED THE SENATE AUGUST 31, 2011

PASSED THE ASSEMBLY SEPTEMBER 6, 2011

AMENDED IN SENATE AUGUST 30, 2011

AMENDED IN SENATE JULY 11, 2011

AMENDED IN ASSEMBLY MAY 27, 2011

INTRODUCED BY Assembly Member John A. Pérez  
(Principal coauthors: Assembly Members Galgiani and Mitchell)  
(Principal coauthor: Senator Alquist)  
(Coauthors: Assembly Members Achadjian, Alejo, Allen, Ammiano,

Atkins, Beall, Block, Blumenfield, Bonilla, Bradford, Buchanan, Butler, Campos, Carter, Cedillo, Chesbro, Davis, Dickinson, Eng, Fletcher, Fong, Fuentes, Gordon, Hall, Hayashi, Hueso, Lara, Ma, Mansoor, Monning, Pan, Perea, V. Manuel Pérez, Portantino, Skinner, Solorio, Swanson, Wieckowski, Williams, and Yamada)

FEBRUARY 16, 2011

LEGISLATIVE COUNSEL'S DIGEST

AB 581, John A. Pérez. Public health: food access.

Existing law requires the Department of Food and Agriculture, headed by the Secretary of Food and Agriculture, to promote and protect the agricultural industry of the state.

This bill would, until July 1, 2017, create the California Healthy Food Financing Initiative. It would require, by July 1, 2012, the Secretary of Food and Agriculture to prepare recommendations, to be presented upon request to the Legislature, regarding actions that need to be taken to promote food access in the state. The bill would establish the California Healthy Food Financing Initiative Council and would require the council to implement the initiative, as specified. The bill would require the department to establish an advisory group, as specified.

The bill would create the California Healthy Food Financing Initiative Fund in the State Treasury, to be comprised of federal, state, philanthropic, and private funds, for the purpose of expanding access to healthy foods in underserved communities and, to the extent practicable, to leverage other funding, as specified. Moneys in the fund would be expended upon appropriation by the Legislature.

**BILL NUMBER: AB 691      AMENDED**  
AMENDED IN ASSEMBLY APRIL 15, 2011  
AMENDED IN ASSEMBLY MARCH 31, 2011

INTRODUCED BY Assembly Member Perea  
( *Coauthors: Assembly Members  
Galgiani and Olsen* )

FEBRUARY 17, 2011

LEGISLATIVE COUNSEL'S DIGEST

AB 691, as amended, Perea. ~~Department of Food and Agriculture: ombudsman~~ *Agency regulations and economic impact.*

Existing law requires the Department of Food and Agriculture to regulate various laws regulating agriculture and farmland in the state. Existing law provides that the department is under the control of a civil executive officer known as the Secretary of Food and Agriculture and authorizes the department to provide for the issuance and renewal on a ~~two-year~~ *2-year* basis of licenses, certificates of registration, or other indicia of authority issued by the department or any agency in the department.

This bill would designate the secretary as the ombudsman for ~~the department~~ *all state agriculture regulations* and would require the ombudsman to provide assistance in understanding the process for obtaining permits, assistance in the expeditious completion of the process for obtaining permits, and ~~agriculture-related~~ *agriculture-related* information and education to assist policy

development regarding agricultural issues. The bill would make the ombudsman responsible for reviewing and identifying ~~duplicate~~ agriculture regulations that exist within the state ~~and other government agencies, and to conduct a cumulative impact report prior to any new agriculture regulation.~~ The bill would authorize the ombudsman to initiate the review of ~~duplicate~~ regulations by the Office of Administrative Law, as ~~provided~~ and that may have a negative impact on the agricultural industry, and make recommendations regarding changes necessary to alleviate those negative impacts. The bill would also require the ombudsman to report these recommendations to the President pro Tempore of the Senate and to the Speaker of the Assembly on an annual basis, as specified .

*Existing law sets forth procedures for the adoption of administrative regulations. Among other requirements, these provisions require that every agency submit an initial statement of reasons for proposing the adoption, amendment, or repeal of a regulation, including facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.*

*This bill would repeal the requirement that every agency include in the initial statement facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.*

*Existing law requires that the notice of proposed adoption, amendment, or repeal of a regulation include specified information, including, if the agency makes an initial determination that the action will not have a significant statewide adverse economic impact directly affecting business, a declaration to that effect. Existing law also requires every agency to prepare and submit with an adopted regulation a final statement of reasons that includes, among other things, an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses.*

*Existing law also requires state agencies proposing to adopt, amend, or repeal any administrative regulation to assess the potential for adverse economic impact on California business enterprises and individuals, as specified.*

*The bill would also revise these requirements with respect to the final statement to require that it include an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on any business, rather than small businesses.*

*The bill would also require an agency to provide in the notice of proposed action documentation of the assessment described above to include cumulative adverse economic impacts, as defined, in addition to other adverse impacts, on California business.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

**BILL NUMBER: AB 727      AMENDED**  
AMENDED IN ASSEMBLY MAY 27, 2011  
AMENDED IN ASSEMBLY APRIL 25, 2011  
AMENDED IN ASSEMBLY MARCH 25, 2011

INTRODUCED BY Assembly Member Mitchell

FEBRUARY 17, 2011

LEGISLATIVE COUNSEL'S DIGEST

AB 727, as amended, Mitchell. Public contracts: healthy and sustainable food.

Existing law regulates various aspects of the provision of food and beverages in vending machines, including requiring a vendor that operates or maintains a vending machine on designated state property to offer food and beverages in the vending machine that meet accepted nutritional guidelines, as defined, in accordance with certain percentages. Existing law governing contracting between state agencies and private contractors sets forth requirements for the procurement of supplies, materials, equipment, and services by state agencies and sets forth the various responsibilities of the Department of General Services and other state agencies in overseeing and implementing state contracting procedures and policies.

This bill would require, beginning January 1, 2014, at least 50% of food and beverages offered by a vendor in a vending machine on state property, as defined, to meet accepted nutritional guidelines ~~and by January 1, 2016, 100% of the food and beverages offered by such a vendor to meet those nutritional guidelines~~. The bill also would revise the definition of accepted nutritional guidelines for this purpose.

This bill would additionally require, beginning January 1, 2014, *or upon expiration of an existing contract, whichever occurs later*, any food sold in a state-owned or state-leased building to meet the standard criteria for food and nutrition guidelines for concessions as determined under the federal Health and Sustainability Guidelines for Federal Concessions and Vending Operations.

This bill would also require the Department of General Services, when approving contracts for the purchase of food sold in any state-owned or state-leased building, to give preference to, and not include disincentives for, food which meets certain criteria, as specified, and would require the Department of General Services to provide state agencies with the federal Health and Sustainability Guidelines for Federal Concessions and Vending Operations. The bill would make related legislative findings regarding its purpose.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

**BILL NUMBER: AB 781            AMENDED**  
AMENDED IN SENATE AUGUST 29, 2011  
AMENDED IN SENATE JULY 12, 2011  
AMENDED IN SENATE JUNE 29, 2011  
AMENDED IN SENATE JUNE 20, 2011  
AMENDED IN ASSEMBLY MARCH 23, 2011

INTRODUCED BY Assembly Member John A. Pérez  
(Principal coauthor: Assembly Member Smyth)

FEBRUARY 17, 2011

LEGISLATIVE COUNSEL'S DIGEST

AB 781, as amended, John A. Pérez. Local government: counties: unincorporated areas.

*(1) Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, sets forth the procedures for incorporations and changes of organizations of cities, including*



procedures for disincorporation.

*This bill would authorize the board of supervisors of a county in which a city that will be disincorporated pursuant to statute is located to vote to continue that city if, after receipt of an audit conducted by the State Auditor, the board of supervisors determines that the territory to be disincorporated is not expected to generate revenues sufficient to provide public services and facilities, maintain a reasonable reserve, and pay its obligations during the 5 years following disincorporation. The bill would require a city that is audited pursuant to these provisions to reimburse the State Auditor for the costs incurred to perform the audit, thereby imposing a state-mandated local program.*

~~(1)~~

(2) The Community Services District Law authorizes the organization and powers of a community services district, as specified, to provide for, among other things, the supply of water for any beneficial uses, fire protection services, police and law enforcement services, the financing of an area planning commission, the financing of a municipal advisory commission, and the acquisition, construction, improvement, and maintenance of streets or roads.

This bill would create a community services district in the unincorporated area of a county if that unincorporated area of the county was previously a city that was disincorporated by statute and had, immediately prior to disincorporation, provided fire protection, water, telecommunications, gas, or electric utility services, or maintained streets or roads. The district would continue to provide those services within the territory in which the disincorporated city provided those services, and would be a successor in interest as to any contract entered into by the disincorporated city with respect to the provision of those services. The bill would, for a one-year period, limit the authority of the community services district to increase gas or electric utility rates within that territory.

The bill would direct that the community services district would become the employer of nonmanagerial employees who were employed by the disincorporated city to provide any of the services described above, in accordance with any existing memorandum of understanding or other labor relations agreement, and would protect those employees from discharge absent a showing of just cause for termination, except as specified.

The bill would specify that the board of supervisors for the county in which the disincorporated city was located would serve as the board of directors of the community services district.

The bill would require the district or the county, as specified, to become the custodian of records of the disincorporated city, and would prohibit any officer or employee of a city, or a consultant under contract to a city, that is subject to being disincorporated from destroying those records or causing their destruction.

*The bill would provide that legislative acts of the board of directors of the district are not subject to initiative or referendum, and the board of directors of the district is not subject to recall.*

~~(2)~~

(3) The Planning and Zoning Law requires the legislative body of each city and county to adopt a comprehensive, long-term general plan for the physical development of the city or county, as specified.

This bill would provide that, as of the effective date of the disincorporation of a city pursuant to statute, the general plan of the disincorporated city constitutes the ~~general~~ *community* plan of the county for the territory of the

disincorporated city, and that the zoning ordinances in effect immediately prior to the disincorporation of the city, together with any conditional use permits or any approved legal conforming uses, likewise apply, as specified. The bill would also provide that any use of land authorized under the general plan and zoning ordinances immediately preceding the effective date of the city's disincorporation would continue to be authorized for a period of not less than 10 years, as specified.

~~(3) Existing law, the Planning and Zoning Law, establishes a planning agency in each city and county with the powers necessary to provide for local planning in the city or county, as specified.~~

Existing

(4) Existing law authorizes the board of supervisors of any county to establish, by resolution, a municipal advisory council for any unincorporated area in the county to advise the board on matters that relate to the unincorporated area, as specified.

This bill would require the board of supervisors of the county in which a city that has been disincorporated by statute was located, within 45 days following the effective date of the disincorporation, to establish a municipal advisory council ~~and an area planning commission~~ to operate within the territory of the disincorporated city, as specified. The bill would require the district to finance the operation of the municipal advisory council ~~, and authorize the district to finance the operation of the area planning commission.~~

By increasing the duties of local agencies, this bill would impose a state-mandated local program.

~~(4)~~

(5) Existing law authorizes the legislative body of any city or county to adopt an ordinance that, among other things, regulates the use of buildings, structures, and land, and to regulate the location, height, bulk, number of stories, the size of buildings and structures, and the size and use of lots, yards, courts, and other open spaces.

This bill would require the board of supervisors in a county in which a city that has been disincorporated by statute was located, within 90 days of the effective date of the disincorporation, to form an expedited permit process for permits related to business, development, and health and safety that is comparable to the permit process previously in place for the territory of the disincorporated city.

By increasing the duties of local governments, this bill would impose a state-mandated local program.

~~(5)~~

(6) Existing law authorizes the board of supervisors of any county to license, for revenue and regulation and to fix the license tax upon every kind of lawful business transacted in the unincorporated area of the county, as specified.

This bill would require the board of supervisors of a county in which a city that has been disincorporated pursuant to statute was located to maintain, at the then-existing rates, any business license tax *or business license fee* of the disincorporated city that was in effect at the time of the disincorporation for a period of at least 5 years, as specified. *The bill would authorize the board of supervisors to levy any additional business license tax or business license fee on the territory of the disincorporated city during the 5-year period following the effective date of the disincorporation, if an audit conducted by a 3rd-party auditor finds that additional revenues are needed in order to maintain needed services to the territory of the disincorporated city or to make*

*required payments toward debt incurred by the city prior to disincorporation.*

~~—(6)~~

(7) Existing law authorizes the board of supervisors of any county to levy a utility user tax on the consumption of electricity, gas, water, sewer, telephone, telegraph, and cable television services in the unincorporated area of the county.

This bill would, upon the effective date of the disincorporation of a city pursuant to statute, exempt utility users within the territory of the disincorporated city from any existing county utility user tax, and would prohibit the board from levying a utility user tax on utility users within that territory for a period of 5 years following the effective date of the disincorporation. Following this 5-year period, the bill would prohibit the board from levying this tax unless the voters of the unincorporated area of the county vote to ~~continue, increase, or decrease the tax on a uniform basis~~ *apply the utility user tax to utility users within the territory of the disincorporated city on the same basis as it is then applied* throughout the unincorporated area of the county. *The bill would also authorize the board of supervisors to levy a utility user tax during the 5-year period following the effective date of the disincorporation, if an audit conducted by a 3rd-party auditor finds that additional revenues are needed in order to maintain needed services to the territory of the disincorporated city or to make required payments toward debt incurred by the city prior to disincorporation.*

~~—(7)~~

(8) Existing law governs the procedures and requirements for retention and destruction of specified records of a city.

This bill would prohibit any officer or employee of a city disincorporated by statute from destroying or authorizing the destruction of any record of the city.

~~—(8)~~

(9) Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, requires the local agency formation commission to oversee the terms and conditions of the disincorporation of a city pursuant to that act.

This bill would authorize the local agency formation commission to commence oversight of the terms and conditions of the disincorporation of a city pursuant to statute upon receipt of specified notice from the board of supervisors of the county in which a city disincorporated by statute is located. The bill ~~and~~ would authorize the commission, upon request by the legislative body of the city, any resident of the city, an owner of property within the city, or any affected local agency, to adopt additional terms and conditions relating to the disincorporation of the city or the creation of the community services district.

~~—(9)~~

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

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

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

~~—(10)~~

(11) The bill would become operative only if AB 46 of the 2011-12 Regular Session is enacted and takes effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

**BILL NUMBER: AB 853            CHAPTERED**

CHAPTER 525  
FILED WITH SECRETARY OF STATE OCTOBER 7, 2011  
APPROVED BY GOVERNOR OCTOBER 7, 2011  
PASSED THE SENATE SEPTEMBER 6, 2011  
PASSED THE ASSEMBLY SEPTEMBER 7, 2011  
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AMENDED IN SENATE AUGUST 16, 2011  
AMENDED IN SENATE JULY 13, 2011  
AMENDED IN SENATE JUNE 20, 2011

INTRODUCED BY Assembly Members Fong and Huffman

FEBRUARY 17, 2011

**LEGISLATIVE COUNSEL'S DIGEST**

AB 853, Fong. Sharks.

Existing law makes it unlawful to possess any bird, mammal, fish, reptile, or amphibian, or parts thereof, taken in violation of any of the provisions of the Fish and Game Code, or of any regulation made under it.

This bill would create exemptions from a shark fin prohibition proposed by AB 376. The bill would require the Ocean Protection Council to submit an annual report to the Legislature that lists any shark species that have been independently certified to meet internationally accepted standards for sustainable seafood, as provided. The provisions of the bill would become operative only if AB 376 is enacted and takes effect on or before January 1, 2012.

**BILL NUMBER: AB 1170            AMENDED**  
AMENDED IN ASSEMBLY MARCH 31, 2011

INTRODUCED BY Assembly Member Alejo

FEBRUARY 18, 2011

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1170, as amended, Alejo. ~~Environment: CEQA: lead agency: documents.~~ *Redevelopment Agency of the City of Watsonville: Manabe-Ow Site.*

*The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities in order to address the effects of blight, as defined, in those communities and requires those agencies to prepare, or cause to be prepared, and approve a redevelopment plan for each project area. Existing law authorizes the legislative body to amend or modify the plan by ordinance upon the recommendation of the agency and establishes procedural requirements and restrictions related to amendment of the plan.*

*This bill would authorize the planning commission or city council of the City of Watsonville to amend a specified preliminary plan and redevelopment plan, respectively, to add described territory, known*

as the Manabe-Bergstrom Site, currently referred to as the Manabe-Ow site. The bill would make a legislative declaration regarding the need for a special statute.

~~—The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA authorizes a lead agency to charge and collect a reasonable fee from a person proposing a project that is subject to CEQA to recover the estimated costs incurred by the lead agency in preparing a negative declaration of an EIR for the project to conform to the requirements of CEQA.~~

~~—This bill would make technical, nonsubstantive changes in those provisions authorizing a lead agency to charge and collect a reasonable fee from a person proposing a project subject to CEQA.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~  
yes . State-mandated local program: no.

**BILL NUMBER: AB 1299      AMENDED**

AMENDED IN SENATE JULY 6, 2011  
AMENDED IN ASSEMBLY MAY 27, 2011  
AMENDED IN ASSEMBLY APRIL 11, 2011  
AMENDED IN ASSEMBLY MARCH 23, 2011

INTRODUCED BY Assembly Member Huffman  
(Coauthors: Assembly Members Fong and Ma)

FEBRUARY 18, 2011

LEGISLATIVE COUNSEL'S DIGEST

AB 1299, as amended, Huffman. Marine fisheries: forage species.

Existing law, enacted as part of the Marine Life Management Act of 1998, generally establishes a comprehensive plan for the management of marine life resources. Existing law requires the Department of Fish and Game to develop, and submit to the Fish and Game Commission for its approval, a fishery management master plan, and provides for the preparation and approval of fishery management plans, which form the primary basis for managing California's sport and commercial marine fisheries.

This bill would ~~enact the Forage Species Conservation and Management Act of 2011. The act would state the policy of the state with regard to forage species, as defined. The act~~ state that it is the policy objective of the state to ensure the conservation, sustai nable use, and, where applicable, restoration of California's forage species populations, including their habitats and associated water quality, for the benefit of all citizens of the state, and achieve ecosystem-based management of marine forage species that recognizes, prioritizes, accounts for, and incorporates the ecological services rendered by forage species, including the dependence of predator species on those

*forage species. The bill would define "forage species" and "ecosystem-based management" for those purposes. The bill would require new fishery management plans and amendments to existing fishery management plans for forage species completed after January 1, 2012, to be consistent with that policy, to the extent that scientific data is readily available for that purpose.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

**BILL NUMBER: AB 1478      CHAPTERED**

CHAPTER 530

FILED WITH SECRETARY OF STATE SEPTEMBER 25, 2012

APPROVED BY GOVERNOR SEPTEMBER 25, 2012

PASSED THE SENATE AUGUST 30, 2012

PASSED THE ASSEMBLY AUGUST 30, 2012

AMENDED IN SENATE AUGUST 24, 2012

AMENDED IN SENATE AUGUST 21, 2012

AMENDED IN SENATE JUNE 26, 2012

AMENDED IN SENATE JUNE 25, 2012

INTRODUCED BY Assembly Member Blumenfield  
(Coauthors: Assembly Members Gordon and Huffman)  
(Coauthors: Senators Evans, Leno, Pavley, and Simitian)

JANUARY 10, 2012

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1478, Blumenfield. State Parks: finances.

(1) Existing law establishes, in the Department of Parks and Recreation, the State Park and Recreation Commission consisting of 9 members appointed by the Governor, subject to confirmation by the Senate. Existing law requires the commission, among other things, to establish general policies for the guidance of the Director of Parks and Recreation in the administration, protection, and development of the state park system.

This bill would establish qualification criteria for the members of the commission, including requiring one member to have demonstrated expertise in cultural or historical resources management. The bill would require the Speaker of the Assembly and the Senate Committee on Rules to each appoint one ex officio legislative member. The bill would require the commission to evaluate and assess the department's deferred obligations. The bill would also authorize the commission to, among other things, conduct an annual workshop to review the department's annual operating budget and proposed capital improvement projects. The bill would appropriate \$120,000 annually in the 2012-13 and 2013-14 fiscal years from the State Parks and Recreation Fund to the commission to perform these activities. The bill would appropriate \$20,500,000 from the State Parks and Recreation Fund to the department for expenditure as specified. The bill would prohibit the department from closing or proposing the closure of a state park in the 2012-13 and 2013-14 fiscal years. The bill would also appropriate \$10,000,000 from the Safe Drinking Water, Water Quality and Water Supply, Flood Control, River and Coastal Protection Bond Act of 2006, to be expended as specified, including for purposes of capital outlay and support for capital outlay projects of a state park.

(2) Existing law requires the department to develop a revenue generation program as an essential component of a long-term

sustainable park funding strategy. Existing law requires all revenues generated by the program to be deposited into the California State Park Enterprise Fund, as provided, and spent in a specified way, including allocating 40% of the total amount of revenues generated by a park district to that district, as specified. Existing law requires the department to provide an annual accounting to the Department of Finance and relevant legislative committees of the use of funds from a revolving loan program established by the department. Existing law requires the department to rank proposals and awards for loans based on specified criteria.

This bill would require the program revenue to be available for encumbrance and expenditure until June 30, 2014, and for liquidation until June 30, 2016. The bill would require the incremental revenue generated by the program to be deposited into the State Parks and Recreation Fund, and revenue identified as being in excess of revenue targets established by the department shall be transferred to the California State Park Enterprise Fund, as provided. Among other things, this bill would require that 50% of the total amount of revenues deposited into the California State Park Enterprise Fund generated by a park district be allocated to that district, as specified. This bill would require the department to provide the annual accounting to the Department of Finance and the relevant legislative committees of the use of the revolving loan funds in accordance with the purpose outlined in specified voter-approved bond acts. This bill would include capacity of a project to improve services, park experiences, or both, for park visitors as one of the criteria for ranking a proposal or award of a loan.

(3) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

**BILL NUMBER: AB 1782      CHAPTERED**

CHAPTER 693

FILED WITH SECRETARY OF STATE SEPTEMBER 28, 2012

APPROVED BY GOVERNOR SEPTEMBER 28, 2012

PASSED THE SENATE AUGUST 21, 2012

PASSED THE ASSEMBLY AUGUST 24, 2012

AMENDED IN SENATE AUGUST 16, 2012

AMENDED IN SENATE JUNE 25, 2012

AMENDED IN SENATE JUNE 4, 2012

INTRODUCED BY Assembly Member Hill

FEBRUARY 21, 2012

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1782, Hill. Weighmasters: exemptions.

Existing law defines a weighmaster as any person, who, for hire or otherwise, weighs, measures, or counts any commodity and issues a statement or memorandum of the weight, measure, or count which is used as the basis for either the purchase or sale of that commodity or charge for service. Existing law requires weighmasters to obtain a license. Existing law specifies certain persons who weigh and measure commodities but are not weighmasters, such as retailers weighing commodities for sale in retail stores in the presence of consumers, newspaper publishers weighing newspapers for sale to dealers, and recycling centers weighing salvage materials for specified purposes.

This bill, until January 1, 2017, would provide that facilities handling medical waste and that report net weights, and not estimates, to the generator of the medical waste and to the State Department of Public Health, are not weighmasters, as specified.

**BILL NUMBER: AB 1886      CHAPTERED**

CHAPTER 301

FILED WITH SECRETARY OF STATE SEPTEMBER 13, 2012

APPROVED BY GOVERNOR SEPTEMBER 13, 2012

PASSED THE SENATE AUGUST 13, 2012

PASSED THE ASSEMBLY AUGUST 16, 2012

AMENDED IN SENATE JULY 5, 2012

AMENDED IN SENATE JUNE 18, 2012

AMENDED IN ASSEMBLY APRIL 11, 2012

INTRODUCED BY Assembly Member Chesbro

FEBRUARY 22, 2012

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1886, Chesbro. Aquaculture.

Existing law establishes within the Department of Fish and Game an aquaculture coordinator to perform prescribed duties relating to the aquaculture industry. Existing law requires the owner of an aquaculture facility to register certain information with the department by March 1 of each year, and requires the department to impose prescribed fees for registration and renewal. Existing law also requires, in addition to the registration and renewal fees, a surcharge fee to be paid at the time of registration by the owner of an aquaculture facility if the gross annual sales of aquaculture products of the facility during the prior calendar year exceed \$25,000. Existing law imposes a penalty for delinquent payment of fees. Existing law requires the department to expend moneys collected solely on the aquaculture program and to maintain the internal accountability necessary to ensure that all restrictions on the expenditure of these fee revenues are met.

This bill would include in the duties of the coordinator the requirement to coordinate with the Aquaculture Development Committee. The bill, until January 1, 2018, would increase those registration, renewal, surcharge, and penalty fees, as prescribed. The bill would require the department to provide an accounting of the aquaculture program account balance and expenditures upon request of the Aquaculture Development Committee or the Joint Committee on Fisheries and Aquaculture. The bill would restrict the use of these fee revenues to paying the costs of the administration and enforcement of the department's aquaculture program. The bill would require the department to prepare and submit to the Legislature, on or before February 1, 2017, a report regarding the aquaculture program.



**BILL NUMBER: AB 1924      INTRODUCED**

INTRODUCED BY Assembly Member Buchanan

FEBRUARY 22, 2012

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1924, as introduced, Buchanan. CEQA: environmental impact reports.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA prescribes certain requirements for the review of draft EIRs, as specified.

This bill would make various technical, nonsubstantive changes in those provisions relating to the requirements for the review of draft EIRs.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

**BILL NUMBER: AB 1961      CHAPTERED**

CHAPTER 541  
FILED WITH SECRETARY OF STATE SEPTEMBER 25, 2012  
APPROVED BY GOVERNOR SEPTEMBER 25, 2012  
PASSED THE SENATE AUGUST 22, 2012  
PASSED THE ASSEMBLY AUGUST 27, 2012  
AMENDED IN SENATE AUGUST 21, 2012  
AMENDED IN SENATE JUNE 19, 2012  
AMENDED IN ASSEMBLY MAY 25, 2012  
AMENDED IN ASSEMBLY APRIL 9, 2012

INTRODUCED BY Assembly Member Huffman  
(Coauthors: Assembly Members Allen and Chesbro)

FEBRUARY 23, 2012

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1961, Huffman. Coho salmon: habitat.

Existing law requires the Department of Fish and Game to develop and implement a recovery strategy pilot program for the coho salmon and repeals that authority on January 1, 2014, but requires any recovery strategy that has been approved or implemented prior to that date to remain in effect.

Existing law also establishes the Salmon, Steelhead Trout, and Anadromous Fisheries Program Act to protect and increase the naturally spawning salmon, steelhead trout, and anadromous, as defined, fishery resources of the state.

This bill, until January 1, 2018, would enact the Coho Salmon Habitat Enhancement Leading to Preservation Act (Coho HELP Act) and require the Director of Fish and Game to approve a coho salmon habitat enhancement project, as defined, if specified conditions are met as determined by the director, as prescribed. The act would

create the Coho Salmon Recovery Account within the Fish and Game Preservation Fund and authorize the department to enter into an agreement to accept funds to achieve the purposes of the Coho HELP Act and deposit those funds into that account. The act would authorize the department to impose a schedule of fees for projects, based on the cost of a project, sufficient to recover all reasonable administrative and implementation costs of the department relating to the project, but not to exceed fees adopted by the department for standard lake or streambed alteration agreements for projects of comparable cost. The act would require the department to deposit fee revenues in the account. Moneys in the account would be available to the department, upon appropriation, for the purposes of administering and implementing the Coho HELP Act. The act would authorize the department to adopt emergency regulations for the implementation of the Coho HELP Act. The bill would appropriate \$37,500 from the Hatchery and Inland Fisheries Fund to the department to fund an engineer position employed on a half-time basis for the remainder of the 2012-13 fiscal year to review projects under the act.

Appropriation: yes.

**BILL NUMBER: AB 1982      AMENDED**  
AMENDED IN ASSEMBLY APRIL 18, 2012

INTRODUCED BY Assembly ~~Member Wagner~~  
*Members Gorell and Wagner*

FEBRUARY 23, 2012

LEGISLATIVE COUNSEL'S DIGEST

AB 1982, as amended, ~~Wagner~~ *Gorell* .

Regulations: effective date: legislative review.

The Administrative Procedure Act governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. That act requires an agency, prior to submitting a proposal to adopt, amend, or repeal an administrative regulation, to determine the economic impact of that regulation, in accordance with certain procedures. That act defines a major regulation as a regulation that the agency determines has an expected economic impact on California business enterprises and individuals in an amount exceeding \$50,000,000. That act requires the office to transmit a copy of a regulation to the Secretary of State for filing if the office approves the regulation or fails to act on it within 30 days. That act provides that a regulation or an order of repeal of a regulation becomes effective on the 30th day after it is filed with the Secretary of State, unless prescribed conditions occur.

This bill would require the office to submit to the Legislature for review a copy of each major regulation that it submits to the Secretary of State. This bill would extend the time period that a regulation becomes effective after being filed with the Secretary of State from 30 days to 90 days. This bill would specify that the list of prescribed conditions that prevent a regulation from becoming effective include a statutory override of the regulation.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

**BILL NUMBER: AB 2052      INTRODUCED**

INTRODUCED BY Assembly Member Buchanan

FEBRUARY 23, 2012

LEGISLATIVE COUNSEL'S DIGEST

AB 2052, as introduced, Buchanan. Environmental quality: CEQA.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant impact on the environment or to adopt a negative declaration if it finds that the project will not have that impact. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA provides for the judicial review of a lead agency's decision to certify an EIR.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

**BILL NUMBER: AB 2090      AMENDED**

AMENDED IN ASSEMBLY APRIL 10, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

INTRODUCED BY Assembly Member Bill Berryhill

FEBRUARY 23, 2012

LEGISLATIVE COUNSEL'S DIGEST

AB 2090, as amended, Bill Berryhill. Regulations.

(1) The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies, and for review of those regulatory actions by the Office of Administrative Law. The act requires an agency, prior to submitting a proposal to adopt, amend, or repeal an administrative regulation, to determine the economic impact of the regulation by preparing an economic impact analysis. The act defines a major regulation as a regulation that the agency determines has an expected economic impact on California business enterprises and individuals in an amount exceeding \$50,000,000. Existing law requires an agency proposing to adopt, amend, or repeal a major regulation to also prepare a standardized regulatory impact analysis.

This bill would instead define a major regulation as a regulation that the agency determines has an expected economic impact on California business enterprises and individuals in an amount exceeding \$15,000,000.

This bill would modify the requirements that an adopting agency must meet when preparing the economic impact analysis and the standardized regulatory impact analysis.

~~—(2) The act requires the office to initiate, at the request of a standing, select, or joint committee of the Legislature, a priority review of an existing regulation that uses prescribed procedures to~~

determine whether the regulation continues to satisfy specified standards.

~~This bill would require an agency proposing to adopt a major regulation to submit a detailed summary of the standardized regulatory impact analysis to specified persons and entities. This bill would require the agency to submit a full copy of that analysis if requested by specified persons and entities. This bill would require the office to initiate, at the request of specified persons and entities, a priority review of a proposed regulation, in accordance with certain procedures, to determine whether the regulation continues to satisfy specified standards. This bill would require the agency, if requested by specified persons or entities, to hold up to 2 additional public hearings or public workshops on the proposed major regulation.~~

~~(3)~~

(2) The act requires that state agencies proposing to adopt regulations, prior to publication of the notice of proposed action, involve parties that would be subject to the proposed regulations in public discussions regarding those proposed regulations, when the proposed regulations involve complex proposals or a large number of proposals that cannot easily be reviewed during the comment period. The act also provides that these requirements are not subject to judicial review or a specified review by the office.

This bill would instead make that requirement applicable to all proposed regulations. The bill would repeal the provisions that exempt these requirements from judicial review and review by the office. The bill would require the office to return the regulation to the agency if the agency does not comply with these requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

**BILL NUMBER: AB 2179      AMENDED**

AMENDED IN SENATE AUGUST 21, 2012

AMENDED IN SENATE AUGUST 8, 2012

AMENDED IN SENATE JULY 3, 2012

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 26, 2012

AMENDED IN ASSEMBLY APRIL 18, 2012

INTRODUCED BY Assembly Member Allen

FEBRUARY 23, 2012

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2179, as amended, Allen. Fish and game: enforcement and penalties.

Existing law authorizes the Fish and Game Commission, or any person appointed by the commission, to conduct a hearing, to cause the deposition of witnesses, as prescribed, and to compel the attendance of witnesses and the production of documents and papers, in accordance with certain requirements.

This bill would, until January 1, 2018, eliminate the prohibition that the commission not revoke or suspend any license or permit until specified regulations have been adopted and approved, as specified. This bill would, until January 1, 2018, also eliminate the provision that any deliberation conducted by the commission, or conducted by any person appointed by the commission to conduct a hearing, is required to be conducted pursuant to the law governing administrative

adjudication.

Existing law requires the commission to adopt guidelines, by regulation, to assist the director and the department in ascertaining the amount of specified civil penalties, as prescribed.

This bill would make these provisions inoperative until January 1, 2018.

Existing law permits the Department of Fish and Game to impose civil liability upon any person for specified acts, with prescribed exceptions, done for profit or personal gain, for unlawfully exporting, importing, possessing, receiving, or transporting in interstate commerce any container or package containing any bird, mammal, amphibian, reptile, or fish, or any endangered or threatened species, or any fully protected bird, mammal, or fish unless the container is marked as prescribed, and for any unlawful failure or refusal to maintain any records or paperwork as required. Under existing law, the department may assess a civil penalty of not more than \$10,000 for each bird, mammal, amphibian, reptile, or fish, or for each endangered or threatened species, or each fully protected bird, mammal, or fish unlawfully taken, possessed, transported, imported, received, purchased, acquired, or sold, in addition to any other applicable penalty. Existing law also requires the department to consult with the district attorney in the jurisdiction where a violation is alleged to have occurred and, before proceeding with a civil action, to seek the concurrence of the Attorney General, as described. Existing law permits the Director of Fish and Game to issue a complaint to any person on whom a civil penalty may be imposed, in accordance with specified provisions, and requires a referee or hearing board, as provided for, to conduct any required hearing.

This bill would make these provisions inoperative until January 1, 2018. This bill would instead permit the department to impose administrative civil penalties, determined as prescribed, upon any person who has violated any provision of the Fish and Game Code or regulations adopted pursuant to the code *that are subject to prescribed civil penalties* . This bill would require the department to adopt regulations ~~that include a fee schedule~~ to provide guidance in assessing these civil penalties.

This bill would require, prior to the imposition of administrative penalties, a person to be given a written notice of the proposed action. This bill would require a person who receives notice of a proposed penalty to have the right to request a hearing before the department in accordance with specified procedures. This bill would permit the department to take the action proposed without a hearing if a hearing is not requested. This bill would permit a person to appeal to the director if administrative penalties are imposed upon that person, as prescribed. This bill would permit a person served with a copy of an order setting the amount of a civil penalty to file with the superior court a petition for a writ of mandate for review of the order, as specified. This bill would permit the department to file a certified copy of the final decision that directs payment of an administrative penalty and, if applicable, any order that denies a petition for a writ of administrative mandamus with the clerk of the superior court of any county, would require the clerk to enter judgment, and would prohibit the clerk from charging fees for the performance of any official service required in connection with this entry of judgment. This bill would require any administrative penalties received pursuant to these provisions to be deposited into the Fish and Game Preservation Fund. This bill would repeal these provisions as of January 1, 2018.

Existing law, the California Public Records Act, requires any public record of a state or local agency to be open to inspection at

all times during office hours of the agency and, upon request, a copy be made promptly available to any person upon payment of copying costs. The act makes certain records exempt from disclosure.

This bill would, until January 1, 2018, and after all appeals are final, provide that records of the appeal to the director are public records, as defined by the act.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

**BILL NUMBER: AB 2283      AMENDED**  
AMENDED IN ASSEMBLY MAY 25, 2012  
AMENDED IN ASSEMBLY APRIL 9, 2012

INTRODUCED BY Assembly Member Portantino

FEBRUARY 24, 2012

LEGISLATIVE COUNSEL'S DIGEST

AB 2283, as amended, Portantino. Fish and game.

Existing law establishes the Department of Fish and Game and sets forth the duties of that department.

This bill would rename the Department of Fish and Game the Department of Fish and Wildlife, and would make related changes. The bill would prohibit existing supplies, forms, insignias, signs, logos, uniforms, or emblems from being destroyed or changed as a result of changing the name of the Department of Fish and Game to the Department of Fish and Wildlife, and would require their continued use until exhausted or unserviceable. *The bill would prohibit the department from revising information technology systems or programs sooner than otherwise planned as a result of the change in the name of the department.*

This bill would also provide that, on or after January 1, 2013, the Department of Fish and Wildlife may be referred to, where appropriate and as deemed by the Director of Fish and Wildlife, as CAL WILD. This bill would prohibit existing supplies, forms, insignias, signs, or logos from being destroyed or changed as a result of authorization to use CAL WILD, where appropriate, to refer to the Department of Fish and Wildlife, and would require their continued use until exhausted or ~~unserviceable~~ *unserviceable*.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

**BILL NUMBER: AB 2317      INTRODUCED**

INTRODUCED BY Assembly Member Bill Berryhill

FEBRUARY 24, 2012

LEGISLATIVE COUNSEL'S DIGEST

AB 2317, as introduced, Bill Berryhill. Food facilities: sanitization.

Existing law, the California Retail Food Code, requires all food facilities in which food is prepared or in which multiservice utensils and equipment are used to provide manual methods to effectively clean and sanitize utensils, as specified. Existing law

requires manual sanitization to be accomplished in a number of prescribed ways, including the application of sanitizing chemicals by immersion, manual swabbing, or brushing, using specified solutions. A violation of these provisions is a misdemeanor.

This bill would authorize manual sanitization to be accomplished by immersion, manual swabbing, or brushing, using a solution of 0.5 ppm ozone for at least 30 seconds. By expanding the definition of a crime, this bill would impose a state-mandated local program.

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

**BILL NUMBER: AB 2363      CHAPTERED**

CHAPTER 546

FILED WITH SECRETARY OF STATE SEPTEMBER 25, 2012

APPROVED BY GOVERNOR SEPTEMBER 25, 2012

PASSED THE SENATE AUGUST 29, 2012

PASSED THE ASSEMBLY AUGUST 30, 2012

AMENDED IN SENATE AUGUST 24, 2012

AMENDED IN SENATE AUGUST 7, 2012

AMENDED IN SENATE JUNE 27, 2012

AMENDED IN ASSEMBLY APRIL 30, 2012

AMENDED IN ASSEMBLY APRIL 17, 2012

INTRODUCED BY Assembly Member Chesbro  
(Coauthors: Senators Evans and La Malfa)

FEBRUARY 24, 2012

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2363, Chesbro. Commercial fishing: Dungeness crab.

(1) Existing law authorizes the Director of the Department of Fish and Game to authorize one or more operators of commercial fishing vessels to take and land a limited number of Dungeness crab for the purpose of quality testing, as provided. Existing law prohibits the department from approving a testing program unless it is funded by the entity authorized to conduct the testing program and prohibits the sale of the crab taken for testing. Those provisions become inoperative on April 1, 2019, and are repealed on January 1, 2020.

This bill would delete the above prohibitions, and, instead, would specifically authorize the sale of tested crab meat and the use of sale revenues for purposes of managing the testing program. The bill would require that the sale revenues be deposited in an account managed and overseen by the Pacific States Marine Fisheries Commission. The bill would require the department, in consultation with specified entities, to develop suggested guidelines for the management of the funds from the sale, among other guidelines.

(2) Existing law requires the director to adopt a program, as provided, for Dungeness crab trap limits for all California permits, that includes 7 tiers of Dungeness crab trap limits based on all California landings receipts under California permits, as specified. Existing law authorizes an individual to submit an appeal of a trap tag allocation by March 31, 2014, as provided. Existing law requires the individual requesting the appeal to pay all expenses, including a

nonrefundable filing fee, as determined by the department, to pay for the department's reasonable costs associated with the appeal that is heard and decided by an administrative law judge. Those provisions become inoperative on April 1, 2019, and are repealed on January 1, 2020.

This bill would authorize any Dungeness crab permit holder to apply to the administrative law judge for a waiver of these appeal fees. The bill would authorize the administrative law judge to consider certain factors when making this determination, including medical hardship. This bill would require the department to decide an appeal to revise downward a trap tag allocation.

(3) Existing law regulating the Dungeness crab fishery permits the owner of a vessel to whom a Dungeness crab vessel permit has been issued, upon the written approval of the department, to temporarily transfer the permit to another replacement vessel for which use in the Dungeness crab fishery is not permitted, for a period of not more than 6 months during the current permit year, under specified circumstances. Existing law also permits the transfer of a permit to another vessel in the event of loss or destruction of a permitted vessel, within 2 years after the loss or damage of the original vessel.

This bill would require the owner of a vessel to whom a Dungeness crab vessel permit has been issued to have had California Dungeness crab landings made with trap gear documented on department landing receipts and to have had California Dungeness crab landings of not less than 5,000 pounds cumulative for the past 2 Dungeness crab seasons to translate the permit. The bill also would require the replacement vessel to be equivalent in size and capacity, as specified, to the vessel from which the permit is transferred. The bill would require specified proof of loss, theft, damage, mechanical breakdown, or destruction to be submitted for a vessel permit to be transferred. This bill would require a vessel owner to sign an application for transfer and certify that the information included is true to the best of his or her information and belief. By expanding the definition of the crime of perjury, this bill would impose a state-mandated local program.

(4) Existing law regulating commercial fishing traps makes it unlawful, except as specified, to willfully or recklessly disturb, move, or damage any trap that belongs to another person and that is marked with a buoy identification number.

This bill would authorize the department, in consultation with the Dungeness Crab Task Force, to develop regulations as necessary to provide for the retrieval of lost or abandoned commercial crab traps. Those provisions would become inoperative on April 1, 2019, and would be repealed on January 1, 2020.

(5) Existing law authorizes expenditures from the fish and wildlife propagation fund of any county to be made for specified purposes, including for reasonable administrative costs, as provided. Existing law defines "reasonable cost" as an amount that does not exceed 3% of the average amount received by the fund during the previous 3-year period, or \$3,000 annually, whichever is greater, as provided.

This bill would instead define "reasonable cost" as an amount that does not exceed 15% of the average amount received by the fund during the previous 3-year period, or \$10,000 annually, whichever is greater.

(6) Existing law requires the department to charge a specified fee for each Dungeness crab vessel permit and for certain transfers of permits for the reasonable regulatory costs of the department.

This bill would provide for these fees for each transfer of a permit.



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

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

(8) This bill would declare that it is to take effect immediately as an urgency statute.

**BILL NUMBER: AB 2398      AMENDED**

AMENDED IN ASSEMBLY MAY 21, 2012

AMENDED IN ASSEMBLY APRIL 16, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

INTRODUCED BY Assembly Member Hueso  
(Principal coauthor: Assembly Member Huffman)

FEBRUARY 24, 2012

LEGISLATIVE COUNSEL'S DIGEST

AB 2398, as amended, Hueso. Water recycling.

Existing law establishes the State Water Resources Control Board (state board) and the California regional water quality control boards (*regional boards*) as the principal state agencies with authority over matters relating to water quality. Existing law requires the State Department of Public Health (department) to adopt uniform water recycling criteria for indirect potable water reuse for groundwater recharge, as defined, by December 31, 2013. Existing law requires the department to develop and adopt uniform water recycling criteria for surface water augmentation, as defined, by December 31, 2016, if a specified expert panel convened by the department finds that the criteria would adequately protect public health. Existing law requires the department to investigate the feasibility of developing uniform water recycling criteria for direct potable reuse, as defined, and to provide a final report on that investigation to the Legislature by December 31, 2016. Existing law requires the department, in consultation with the state board, to report to the Legislature from 2011 to 2016, inclusive, as part of the annual budget process, on the progress towards developing and adopting the water recycling criteria for surface water augmentation and its investigation of the feasibility of developing water recycling criteria for direct potable reuse. Existing law requires the state board to enter into an agreement with the department to assist in implementing the water recycling criteria provisions.

This bill would enact the Water Recycling Act of 2012 to revise and consolidate those and other provisions relating to recycled water, and make other conforming changes to existing law. The act would establish a statewide goal to recycle a total of 1.5 million acre-feet of water per year by ~~the year~~ 2020 and 2.5 million acre-feet of water per year by ~~the year~~ 2030. The act would require the state board and regional boards, the department, the Public Utilities Commission, the Department of Water Resources, and other state agencies to exercise the authority and discretion granted to them by the Legislature to encourage the use of recycled water and meet the goals of the act. The act would require the department, on or before December 31, 2013,

to adopt drinking water criteria for groundwater recharge projects utilizing recycled water. The bill would require the department, on or before December 31, 2016, to develop and adopt drinking water criteria for the use of advanced treated purified water for raw water augmentation projects not subject to the drinking water criteria for groundwater recharge projects utilizing recycled water. The act would subject those criteria to review by an expert panel convened and administered by the department to advise the department on public health issues and scientific and technical matters. The act would prescribe the types and contents of permits for recycled water to be issued by the state board or a regional board, as appropriate.

Because certain reports submitted as part of the permit application process would be submitted under penalty of perjury, this bill would impose a state-mandated local program by creating a new crime. The act would establish the Water Recycling Research Fund and require that certain civil penalties be deposited into the fund, to be expended by the state board, upon appropriation by the Legislature, to conduct or fund research necessary to support the continued and safe use of recycled water in the state.

The bill would also authorize the department to issue permits in accordance with prescribed procedures for raw water augmentation projects to specified entities ~~and permits for treated water augmentation projects to public water systems~~ and would prohibit the operation of a raw water augmentation project without a permit, as prescribed . The bill would subject

~~permitees~~ *permittees* to filing and permit fees established by the department. Revenues from those fees would be required to be deposited in the Augmentation Permit Fund, which the bill would create. The money in the fund would be available, upon appropriation by the Legislature, solely for the purposes of the permit program. *This bill would permit the department to suspend or revoke a permit after a hearing, as prescribed, would authorize the director of the department to issue certain orders when a person has violated or is violating the provisions of the permit program, and would permit specified judicial review. This bill would permit a duly authorized representative of the department, in order to carry out the purposes of the program, to do prescribed inspections, and would make it a misdemeanor for any person to prevent, interfere with, or attempt to impede in any way the representative.*

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

**BILL NUMBER: AB 2402      CHAPTERED**

CHAPTER 559

FILED WITH SECRETARY OF STATE SEPTEMBER 25, 2012

APPROVED BY GOVERNOR SEPTEMBER 25, 2012

PASSED THE SENATE AUGUST 31, 2012

PASSED THE ASSEMBLY AUGUST 31, 2012

AMENDED IN SENATE AUGUST 24, 2012

AMENDED IN SENATE AUGUST 21, 2012

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN SENATE JULY 3, 2012

AMENDED IN SENATE JUNE 20, 2012

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 18, 2012

INTRODUCED BY Assembly Member Huffman

FEBRUARY 24, 2012

LEGISLATIVE COUNSEL'S DIGEST

AB 2402, Huffman. Department of Fish and Game: Fish and Game Commission.

(1) Existing law establishes the Department of Fish and Game and the Fish and Game Commission and sets forth the powers and duties of that department and commission.

This bill would make legislative findings and declarations regarding the development of a strategic vision for the department and the commission pursuant to Chapter 424 of the Statutes of 2010. The bill would require the department and the commission to develop a strategic plan to implement proposals arising from the strategic vision, any legislation enacted relating to the strategic vision process, and the department's own proposals for reform. The bill would authorize the department and the commission to contract for consultants to assist in the preparation of the strategic plan.

The bill would make specified statements of policy relating to the use of ecosystem-based management, adaptive management, and credible science, as defined, and to department and commission partnerships, collaborations, and coordination with other entities.

The bill would rename the department as the Department of Fish and Wildlife, and would make related changes, including changing the name of the director to the Director of Fish and Wildlife. The bill would prohibit existing supplies, forms, insignias, signs, logos, uniforms, or emblems from being destroyed or changed as a result of changing the name of the department, and would require their continued use until exhausted or unserviceable.

The bill would require the director, in consultation with the Natural Resources Agency, to establish a prescribed formal program, and would authorize it to be called the Science Institute, to assist the department and commission in obtaining independent scientific review, advice, and recommendations to help inform the scientific work of the department and commission.

The bill would authorize the department to enter into agreements to accept funds, services, or to assist the department in its efforts to secure long-term private funding sources for purposes relating to conservation programs, projects, and activities by the department, as specified.

(2) Under existing law, the changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services is used as the index to determine an annual rate of increase or decrease in the fees for licenses, stamps, permits, and tags. Under existing law, the department issues scientific collecting permits, lifetime hunting licenses, guide licenses, abalone report cards, kelp

harvester licenses, and marine aquaria collector's permits, and existing law establishes base fees for those entitlements, adjusted annually pursuant to the index.

This bill would require the commission to adjust the amount of the fees for lifetime hunting licenses, guide licenses, abalone report cards, kelp harvester licenses, and marine aquaria collector's permits, as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the department and the commission relating to those licenses or permits. The bill would revise the scientific collecting permit provisions to extend the general permit period from 24 to 36 months, to add an application fee, and increase the permit fee from \$30 to \$300. The bill would also revise special student permit provisions for collegiate or commercial fishing class students to add an application fee of \$25 and increase the permit fee from \$10 to \$50. The bill would delete an existing nonresident permit. The bill would authorize the department to adjust the amount of the fees for scientific collecting permits and special student permits as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the department relating to those permits.

(3) Existing law, except as expressly provided otherwise, makes violations of the Fish and Game Code, or of any rule, regulation, or order made or adopted under that code, a misdemeanor. Existing law sets prescribed fines and penalties for specified violations.

The bill would require the department, on or before January 1, 2016, to prepare and submit to the relevant policy and fiscal committees of the Legislature a feasibility study report on an electronic system to manage citations issued by fish and game wardens, exchange information on citations with the courts, and transfer data on court dispositions to the Automated License Data System.

(4) Existing law requires, unless otherwise provided, that all money collected under the provisions of the Fish and Game Code and of any other law relating to the protection and preservation of birds, mammals, fish, reptiles, or amphibia be paid into the State Treasury to the credit of the Fish and Game Preservation Fund.

This bill would provide that moneys collected or received from gifts or bequests, or from municipal or county appropriations, or donations for purposes relating to conservation programs, projects, and activities by the department are to be deposited in the State Treasury to the credit of the fund and used for prescribed purposes.

(5) Existing law establishes specific accounts within the fund, including, but not limited to, the Big Game Management Account, and the department has established other accounts within the fund.

This bill would require the Augmented Deer Tags Account, Bighorn Sheep Permit Account, and Wild Pig Account within the fund to be consolidated and any remaining funds in these accounts transferred to the Big Game Management Account. The bill would require the department, after consultation with the Department of Finance and the Legislative Analyst's Office, to provide recommendations to the Legislature for consolidation of additional dedicated accounts within the fund if, in the determination of the department, consolidation would serve to reduce administrative costs to the department and enhance its ability to meet current needs, while still preserving the stated purposes of the dedicated accounts.

(6) Existing law establishes the Renewable Energy Resources Development Fee Trust Fund (the development fee trust fund) as a continuously appropriated fund in the State Treasury to serve, and be managed, as an optional, voluntary method for developers or owners of eligible projects, as defined, to deposit fees sufficient to complete mitigation actions established by the department and thereby

meet their requirements pursuant to California Endangered Species Act (CESA) or the certification authority of the State Energy Resources Conservation and Development Commission. Existing law requires that a specified sum of money be transferred, as a loan, from the Renewable Resource Trust Fund to the development fee trust fund and be repaid from the development fee trust fund to the Renewable Resource Trust Fund no later than December 31, 2012.

This bill would make an appropriation by extending the date of repayment of this loan to December 31, 2013.

(7) Existing law governing workers' compensation provides that whenever any member of the Department of Justice falling within the "state peace officer/firefighter" class or when a harbor police officer employed by the San Francisco Port Commission, as described, is disabled by injury arising out of and in the course of his or her duties, he or she shall become entitled, regardless of his or her period of service to a leave of absence while so disabled without loss of salary, in lieu of disability payments, for a period not exceeding one year.

This bill would apply those provisions to a law enforcement officer employed by the department.

Appropriation: yes.

**BILL NUMBER: AB 2504 AMENDED**  
AMENDED IN ASSEMBLY MAY 29, 2012  
AMENDED IN ASSEMBLY APRIL 26, 2012

INTRODUCED BY Assembly Member Beth Gaines

FEBRUARY 24, 2012

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2504, as amended, Beth Gaines. Commercial fishing: crayfish.

Existing law governing the commercial fishing of crayfish prohibits the sale or purchase of crayfish taken from Lake Tahoe or the Lake Tahoe Basin.

This bill would repeal that provision.

Existing law requires the taking of crayfish to be subject to ~~such~~ regulations ~~as~~ prescribed by the Fish and Game Commission ~~may~~ prescribe .

~~This bill would state legislative intent regarding the commercial taking of crayfish in Lake Tahoe or the Lake Tahoe Basin.~~

*This bill would authorize the department to establish a commercial fishery for crayfish in Lake Tahoe. This bill would require any allowance for the commercial taking of crayfish in Lake Tahoe to be for the primary purpose of population reduction and control of the signal crayfish, as prescribed. The bill would authorize the department to impose a charge on participants in the commercial fishery to reimburse the department and other applicable state agencies for the reasonable costs of implementing and enforcing the fishery.*

This bill would require the commission to ensure that, with respect to the taking of crayfish for commercial purposes in Lake Tahoe ~~or in the Lake Tahoe Basin~~ , the commission's regulations are consistent with the Lake Tahoe Region Aquatic Invasive Species Management Plan, as amended.

*Existing law generally makes any violation of fish and game laws,*

or of any rule, regulation, or order made or adopted under those laws, a misdemeanor.

Because this bill would authorize the establishment of a commercial crayfish fishing program, the violation of which would be a crime, the bill would create a state-mandated local program by creating new crimes.

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~no~~ yes .

**BILL NUMBER: AB 2609      CHAPTERED**

CHAPTER 592

FILED WITH SECRETARY OF STATE SEPTEMBER 26, 2012

APPROVED BY GOVERNOR SEPTEMBER 26, 2012

PASSED THE SENATE AUGUST 30, 2012

PASSED THE ASSEMBLY AUGUST 31, 2012

AMENDED IN SENATE AUGUST 30, 2012

AMENDED IN SENATE AUGUST 16, 2012

AMENDED IN ASSEMBLY APRIL 24, 2012

AMENDED IN ASSEMBLY APRIL 11, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

INTRODUCED BY Assembly Member Hueso

FEBRUARY 24, 2012

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2609, Hueso. Fish and Game Commission.

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

This bill would modify that election provision to instead require that the commissioners annually elect one of their number as president and one as vice president, by a concurrent vote of at least 3 commissioners. The bill would prohibit a president or vice president from serving more than 2 consecutive years and would prohibit the commission from adopting or enforcing any other policy or regulation that would make a commissioner ineligible to be elected as president or vice president of the commission. The bill would authorize the president or vice president to be removed from these positions by a vote, at any time, of at least 3 commissioners. The bill would require the commission to fill a vacancy in either position at the next regularly scheduled meeting of the commission, as prescribed. The bill would require the commission to adopt a code of conduct that requires a commissioner to adhere to prescribed principles and, by July 1, 2013, to adopt rules to govern the business practices and processes of the commission. The bill would state the intent of the Legislature to encourage the Governor and the Senate Committee on Rules to consider certain minimum qualifications in selecting, appointing, and confirming commissioners to serve on the commission.

**BILL NUMBER: AB 2620      CHAPTERED**  
CHAPTER 206  
FILED WITH SECRETARY OF STATE AUGUST 27, 2012  
APPROVED BY GOVERNOR AUGUST 27, 2012  
PASSED THE SENATE AUGUST 9, 2012  
PASSED THE ASSEMBLY MAY 25, 2012  
AMENDED IN ASSEMBLY MAY 14, 2012  
AMENDED IN ASSEMBLY MAY 2, 2012

INTRODUCED BY Assembly Member Achadjian

FEBRUARY 24, 2012

LEGISLATIVE COUNSEL'S DIGEST

AB 2620, Achadjian. Tidelands and submerged lands: granted public trust lands.

(1) Existing law grants to various local entities the right, title, and interest of the state in and to certain tidelands and submerged lands in trust generally for purposes of commerce, navigation, and fisheries, and for other public trust purposes. Existing law vests the State Lands Commission with all jurisdiction and authority remaining in the state as to tidelands and submerged lands as to which grants have been or may be made.

This bill would make various legislative declarations and findings regarding granted public trust lands, the duties of a trustee of state lands, and the prohibition against common trust principles nullifying an act of the Legislature or modifying its duty under the California Constitution to do all things necessary to execute and administer the public trust. The bill would declare that those findings and declarations are declaratory of existing law.

(2) Existing law confers upon counties and cities certain powers granted to the commission with regard to the leasing or granting of rights or privileges with relation to the lands owned by the state.

This bill would instead confer these powers upon the local trustee of granted public trust lands, as defined.

(3) Existing law requires local and state agencies that have been granted sovereign trust lands to provide accurate records of all revenues received from the trust lands and trust assets and of all expenditures of those revenues and requires all revenues received or generated from trust lands to be expended only for those uses and purposes, consistent with the public trust for commerce, navigation, and fisheries, and the applicable statutory grant. Existing law requires a trustee to annually file a detailed statement of revenues and expenditures with the commission.

This bill would instead require the local trustee of granted public trust lands to undertake those duties and would require all funds received or generated from trust lands or trust assets to be segregated in separate accounts from nontrust received or generated funds. The bill would require the annual statement required to be filed with the commission to include a standardized reporting form, and would provide that the information in the statement and form is a public record, to be made available on the commission's Internet Web site.

The bill would provide that all costs incurred by a local trustee of granted public trust lands to implement the bill be paid from the revenues derived from its granted public trust lands and assets. The bill would require the commission to exempt a local trustee of granted public trust land from the duties imposed by the bill if the revenues derived from its granted public trust lands and assets are

not sufficient to pay for those costs, as specified.

The bill would create a state-mandated local program by imposing new duties with regard to the duties that the bill would impose upon local agencies that are local trustees of granted public trust lands.

(4) The bill would require the commission to prepare a workload analysis and implementation plan by September 1, 2013, and to submit the plan to specified committees of the Legislature and the Department of Finance. The bill would make the report provision inoperative September 1, 2017, and would repeal it on January 1, 2018.

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

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

**BILL NUMBER: AJR 39            CHAPTERED**  
RESOLUTION CHAPTER 100  
FILED WITH SECRETARY OF STATE AUGUST 28, 2012  
ADOPTED IN SENATE AUGUST 16, 2012  
ADOPTED IN ASSEMBLY AUGUST 20, 2012  
AMENDED IN SENATE AUGUST 8, 2012

INTRODUCED BY Assembly Members Chesbro and Huffman  
(Coauthor: Assembly Member Hagman)  
(Coauthors: Senators Evans and La Malfa)

MAY 9, 2012

Relative to California seafood.

**LEGISLATIVE COUNSEL'S DIGEST**

AJR 39, Chesbro. California seafood.

This measure would express the Legislature's support of the use of a portion of federally generated seafood product import revenues for the domestic marketing and promotion of California fish and seafood.

WHEREAS, California fish and seafood products face ever-increasing domestic competition from imported seafood products, with more than 80 percent of the total fish and seafood consumed annually in the United States currently originating from foreign countries; and

WHEREAS, Effective domestic marketing of California seafood in the face of aggressive competition from foreign products requires innovative and consistent promotion to highlight the high quality, seasonal abundance, and sustainability of California seafood; and

WHEREAS, The California fishing and seafood industry has paid for promotional activities to provide the greatest return on the investments made by fishing associations and councils; and

WHEREAS, Despite the money raised within the California fishing and seafood industry, promotional activities are limited and underfunded; and

WHEREAS, Annual funding for domestic production of California seafood is not sufficient to effectively develop the thriving markets that sustainable California seafood products merit, especially when confronted with nationally supported promotional programs aimed at United States consumers by key rival producer countries; and



WHEREAS, There is not a federally funded national seafood marketing fund available for the domestic marketing of American seafood; and

WHEREAS, The federal government collects approximately \$400,000,000 annually through customs laws regulating the importation of seafood products, many of which compete with California's seafood products; and

WHEREAS, Revenue from antidumping and countervailing duties on imported fish and fish products collected by the United States government total hundreds of millions of dollars annually; and

WHEREAS, Funds collected from the importation of seafood products are not available for the domestic marketing of American seafood; and

WHEREAS, Using a portion of the revenue collected on the importation of foreign seafood products to promote American seafood and sustainable fishing practices to domestic consumers will expand consumer appreciation of domestic fisheries, secure and improve competition for American fisheries and seafood processing jobs, create robust and enduring domestic markets, attract investors from all sectors of the economy, and greatly enhance the nutritional value of American diets; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature supports the use of a portion of federally generated seafood product import revenues for the domestic marketing and promotion of California fish and seafood; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the President pro Tempore of the United States, and to each Senator and Representative from California in the Congress of the United States.

**BILL NUMBER: SB 20                    CHAPTERED**

CHAPTER 415  
FILED WITH SECRETARY OF STATE OCTOBER 2, 2011  
APPROVED BY GOVERNOR OCTOBER 2, 2011  
PASSED THE SENATE SEPTEMBER 8, 2011  
PASSED THE ASSEMBLY SEPTEMBER 7, 2011  
AMENDED IN ASSEMBLY SEPTEMBER 2, 2011  
AMENDED IN ASSEMBLY AUGUST 31, 2011  
AMENDED IN ASSEMBLY AUGUST 15, 2011  
AMENDED IN ASSEMBLY JUNE 29, 2011  
AMENDED IN SENATE APRIL 25, 2011

INTRODUCED BY Senator Padilla

DECEMBER 6, 2010

**LEGISLATIVE COUNSEL'S DIGEST**

SB 20, Padilla. Food facilities: menu labeling.

Existing law, the California Retail Food Code, requires, on and after January 1, 2011, each food facility in the state that operates under common ownership or control with at least 19 other food facilities with the same name in the state and that offers for sale substantially the same menu items or that meets other specified criteria to disclose calorie content information per standard menu item, as specified. The State Department of Public Health administers and local enforcement agencies enforce this code. Existing law

provides that, on and after July 1, 2009, a food facility that violates these provisions is guilty of an infraction.

Existing law, the Federal Food, Drug, and Cosmetic Act, requires certain restaurants and similar retail food establishments that are part of a chain with 20 or more locations doing business under the same name and offering for sale substantially the same menu items to disclose nutrient content information, as specified, and provides that certain state and local nutrient content information requirements that are not identical to the federal law are preempted.

This bill would repeal the above-described state calorie content disclosure requirements of the California Retail Food Code, and would require a food facility that is subject to the federal disclosure provisions for nutrient content information or was subject to the state calorie content disclosure requirements, as specified, to comply with these federal disclosure requirements and the regulations adopted pursuant thereto. It would also require the department or local enforcement agencies to enforce these provisions, as specified, and would make a violation thereof an infraction or subject to a civil penalty. By expanding the definition of a crime and adding new local enforcement duties, this bill would impose a state-mandated local program.

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

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

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

**BILL NUMBER: SB 303            CHAPTERED**

CHAPTER 233

FILED WITH SECRETARY OF STATE SEPTEMBER 6, 2011

APPROVED BY GOVERNOR SEPTEMBER 6, 2011

PASSED THE SENATE AUGUST 22, 2011

PASSED THE ASSEMBLY AUGUST 18, 2011

AMENDED IN ASSEMBLY JULY 11, 2011

AMENDED IN ASSEMBLY JUNE 20, 2011

AMENDED IN ASSEMBLY JUNE 3, 2011

AMENDED IN SENATE MARCH 29, 2011

AMENDED IN SENATE MARCH 17, 2011

INTRODUCED BY Senator Padilla

FEBRUARY 14, 2011

**LEGISLATIVE COUNSEL'S DIGEST**

SB 303, Padilla. Food safety: food handlers.

The California Retail Food Code provides for the regulation of health and sanitation standards for retail food facilities by the State Department of Public Health. Local health agencies are primarily responsible for enforcing this law. Violation of these provisions is a misdemeanor.

This law generally requires food facilities, except temporary food facilities, to have an owner or employee who has successfully passed

an approved and accredited food safety certification examination from an accredited food protection manager certification organization, except as specified. Existing law generally defines a food facility to mean an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level.

Existing law also requires, with specified exceptions, a food handler, as defined, who is hired prior to June 1, 2011, to obtain a food handler card from a food protection manager certification organization, as described. A food handler hired after June 1, 2011, is required to obtain a food handler card within 30 days of his or her date of hire. A food handler must maintain a valid food handler card for the duration of his or her employment as a food handler.

This bill would, for purposes of the above-described food handler requirements, define a food facility to mean a food facility that sells food for human consumption to the general public, with certain exceptions. The bill would, instead, until January 1, 2012, require a food handler to obtain a food handler card from either a food protection manager certification organization or a specified training provider, and would require, commencing January 1, 2012, the card to be obtained only from a specified training provider.

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

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

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

This bill would declare that it is to take effect immediately as an urgency statute.

**BILL NUMBER: SB 317            AMENDED**  
AMENDED IN ASSEMBLY AUGUST 26, 2011  
AMENDED IN SENATE MAY 31, 2011  
AMENDED IN SENATE APRIL 25, 2011

INTRODUCED BY Senator Rubio

FEBRUARY 14, 2011

**LEGISLATIVE COUNSEL'S DIGEST**

SB 317, as amended, Rubio. Kings River Fisheries Management Program.

Existing law authorizes the Department of Fish and Game to enter into contracts for fish and wildlife habitat preservation, restoration, and enhancement with public and private entities whenever the department finds that the contracts will assist in meeting the department's duty to preserve, protect, and restore fish and wildlife.

Former law, repealed by its own provisions on January 1, 2011, adopted and authorized a fisheries management program described in the Kings River Fisheries Management Program Framework Agreement. That former law authorized the department to contribute up to 50% of any capital costs incurred by local agencies for the recreation and fish and wildlife features of the program.

This bill would reenact those provisions, to be operative indefinitely, and would require that expenditures made pursuant to

those provisions only be funded, upon appropriation by the Legislature, from ~~the Hatchery and Inland Fisheries Fund~~ *moneys that are not from a General Fund or general obligation bond source* .

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

**BILL NUMBER: SB 369            CHAPTERED**

CHAPTER 335  
FILED WITH SECRETARY OF STATE SEPTEMBER 26, 2011  
APPROVED BY GOVERNOR SEPTEMBER 26, 2011  
PASSED THE SENATE SEPTEMBER 9, 2011  
PASSED THE ASSEMBLY SEPTEMBER 9, 2011  
AMENDED IN ASSEMBLY SEPTEMBER 2, 2011  
AMENDED IN ASSEMBLY AUGUST 15, 2011  
AMENDED IN ASSEMBLY JULY 5, 2011  
AMENDED IN ASSEMBLY JUNE 22, 2011

INTRODUCED BY Senator Evans

FEBRUARY 15, 2011

**LEGISLATIVE COUNSEL'S DIGEST**

SB 369, Evans. Dungeness crab.

(1) Existing law regulates the Dungeness crab fishery and, among other things, permits the Director of Fish and Game to delay the opening of the fishery in specified situations and regulates the taking of crab during those delays. Existing law sets forth the qualifications for a Dungeness crab vessel permit, and provides that no person shall use a vessel to take, possess, or land Dungeness crab for commercial purposes without a Dungeness crab vessel permit. Existing law sets forth requirements for the issuance, transfer, and revocation of a vessel permit, and prescribes fees for each permit or permit transfer. Under existing law, the holder of a Dungeness crab vessel permit, upon approval by the Department of Fish and Game, is authorized to temporarily transfer the permit to a replacement vessel for a period of up to 6 months during the current permit year, if the permitted vessel is seriously damaged, suffers major mechanical breakdown, or is lost or destroyed. Existing law requires the director to convene a Dungeness crab review panel for the purpose of reviewing applications for vessel permits and permit transfers, if the department makes a specified determination. Existing law provides that those provisions shall become inoperative on April 1, 2012, and, as of January 1, 2013, are repealed.

This bill would extend the operation of those provisions until April 1, 2019, and would repeal those provisions on January 1, 2020.

The bill would subject a person who fishes without a Dungeness crab vessel permit, or who uses a Dungeness crab vessel permit to fish illegally on a vessel other than the permitted one, to specified penalties. The bill would authorize a person to whom a Dungeness crab vessel permit is issued to retain the permit, and to transfer the permit to another vessel owned by that person, during a period of 2 years, in the event that the vessel for which the permit was originally issued is lost, destroyed, or seriously damaged, subject to approval by the department. The bill would require a permit retained under these circumstances to be revoked if it is not transferred to a replacement vessel within the 2-year period.

The bill would require the director to adopt a program, by March

31, 2013, for Dungeness crab trap limits for all California permits. The director would be required to make specified allocations of crab trap tags. The program would require participants to pay a \$5 crab trap tag fee and a \$1,000 crab trap limit fee, as provided. The bill would create the Dungeness Crab Account in the Fish and Game Preservation Fund, and would require the fees collected to be deposited in that account. The money in the account would be available, upon appropriation by the Legislature, for administering and enforcing the program. The bill would require the imposition of specified penalties for a violation of the program requirements. The bill would create a Dungeness crab task force to make recommendations relating to the program, and meet other requirements, as provided. These provisions would become inoperative on April 1, 2019, and would be repealed on January 1, 2020.

(2) Existing law authorizes the director to authorize one or more operators of commercial fishing vessels to take and land a limited number of Dungeness crab in November of each year for the purpose of quality testing according to a testing program and prohibits the sale of crab taken pursuant to the testing program, except for edible crabmeat, which may be used for charitable purposes.

This bill would remove that exception for edible crabmeat used for charitable purposes.

(3) Under existing law, except as expressly provided otherwise, any violation of the Fish and Game Code, or of any rule, regulation, or order made or adopted under the code, is a misdemeanor.

Because this bill would extend the operation of the Dungeness crab vessel permit program and thereby the crimes imposed for a violation of those provisions, and impose additional requirements the violation of which may be crimes, the bill would create a state-mandated local program by creating new crimes.

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

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

**BILL NUMBER: SB 460            AMENDED**  
AMENDED IN ASSEMBLY JULY 13, 2011  
AMENDED IN SENATE MAY 31, 2011

INTRODUCED BY Senator Price  
( Coauthor: Senator Lieu  
)

FEBRUARY 16, 2011

LEGISLATIVE COUNSEL'S DIGEST

SB 460, as amended, Price. International trade marketing and promotion.

Existing law authorizes the Business, Transportation and Housing Agency to, among other duties, engage in trade and foreign investment activities.

This bill would additionally authorize the agency to coordinate international trade marketing and promotion activities.

Existing law authorizes the secretary to convene a statewide business partnership for international trade and investment, to advise the secretary on business needs and priorities in that regard.

This bill would also authorize the secretary to convene a statewide business partnership for international trade marketing and promotion no later than March 1, 2012, to advise the secretary on what role the state should play in international trade marketing and promotion.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

**BILL NUMBER: SB 470            CHAPTERED**  
CHAPTER 565  
FILED WITH SECRETARY OF STATE OCTOBER 7, 2011  
APPROVED BY GOVERNOR OCTOBER 7, 2011  
PASSED THE SENATE JUNE 2, 2011  
PASSED THE ASSEMBLY SEPTEMBER 8, 2011  
AMENDED IN SENATE MAY 31, 2011  
AMENDED IN SENATE APRIL 26, 2011  
AMENDED IN SENATE APRIL 5, 2011

INTRODUCED BY Senator Evans

FEBRUARY 17, 2011

LEGISLATIVE COUNSEL'S DIGEST

SB 470, Evans. Commercial fishing: salmon stamp.

(1) Existing law prohibits specified persons from taking salmon for commercial purposes unless the person has a commercial fishing salmon stamp affixed to his or her commercial fishing license. Existing law requires the Department of Fish and Game to issue a commercial fishing salmon stamp, upon application for the stamp and payment of a base fee of \$85. That base fee is required to be adjusted during specified commercial salmon seasons. However, existing law prohibits the total fees, as adjusted, from exceeding \$260. Under existing law, fee revenues are deposited in the Commercial Salmon Stamp Account in the Fish and Game Preservation Fund, and the money in the account is continuously appropriated to the department for new or expanded salmon restoration and enhancement programs in the state that will serve to increase ocean salmon landings. Existing law prohibits administrative overhead costs charged to the account from exceeding 3.3% of the annual expenditures from the account. These provisions of existing law are repealed as of January 1, 2012.

This bill would delete the continuous appropriation, and, instead, make the money in the account available to the department upon appropriation by the Legislature. The bill would require the department to post on its Internet Web site certain information regarding projects funded by the account. The bill would prohibit the expenditure of more than 15% of the funds expended for those programs for administration. The bill would extend the operation of these provisions until January 1, 2014.

(2) Existing law generally makes a violation of fish and game laws a crime.

Because this bill would extend operation of the commercial salmon fishing program and thereby the crimes imposed for a violation of those provisions, the bill would create a state-mandated local program by creating new crimes.

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

reimbursement.

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

(4) This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature.

**BILL NUMBER: SB 478      INTRODUCED**

INTRODUCED BY Senator Pavley

FEBRUARY 17, 2011

LEGISLATIVE COUNSEL'S DIGEST

SB 478, as introduced, Pavley. Food safety.

Existing law governs the production, inspection, and distribution of food in this state in order to ensure, among other purposes, the safety and quality of food. The Department of Food and Agriculture is required to promote and protect the agricultural industry of the state, and is required to seek, enhance, protect, and perpetuate the ability of the private sector to produce food and fiber in a way that benefits the general welfare and economy of the state.

This bill would express the intent of the Legislature to enact legislation that would establish the California Food Policy Council to develop a strategic planning process to provide information for the implementation of California's food policy and to ensure effective interagency coordination of state policies, programs, and activities regarding California's food system.

The bill would also set forth legislative findings and declarations regarding the food supply system.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

**BILL NUMBER: SB 685      AMENDED**

AMENDED IN SENATE AUGUST 31, 2011

AMENDED IN SENATE MARCH 24, 2011

INTRODUCED BY Senator Evans

FEBRUARY 18, 2011

LEGISLATIVE COUNSEL'S DIGEST

SB 685, as amended, Evans. ~~Parks: Mendocino Woodlands Outdoor Center.~~ ~~Marine protected areas: Native American tribes.~~

*The Marine Life Protection Act (MLPA) establishes the Marine Life Protection Program to reexamine and redesign California's marine protected area system. Existing law requires the Department of Fish and Game to prepare, and the Fish and Game Commission to adopt, a master plan that guides the adoption and implementation of the program, including recommended alternative networks of marine protected areas. Under the MLPA, the taking of a marine species in a marine life reserve, a type of marine protected area, is prohibited*

for any purpose, including recreational and commercial fishing, except as authorized by the commission for scientific purposes.

*This bill would authorize Native American tribes to submit proposals for comanagement of marine species within marine protected areas that are designated or proposed to be designated under the MLPA. The bill would require comanagement proposals to include prescribed information, and would require submission of the proposals to the Secretary of the Natural Resources Agency. The bill would authorize the secretary to request additional information before determining that a proposal is complete, and upon receipt of a proposal from the secretary, would require the Director of Fish and Game to consult with the tribe to develop memoranda of understanding or other agreements to, among other things, provide access to the tribe for traditional hunting and gathering and cultural activities. If multiple tribal governments or groups submit proposals to the secretary, the bill would require the secretary to prioritize the proposals for negotiation, as provided.*

~~The Mendocino Woodlands Outdoor Center Act requires the Department of Parks and Recreation to administer as a unit of the state park system the Mendocino Woodlands Outdoor Center.~~

~~The act authorizes the department to enter into an operating agreement with a qualified nonprofit entity. The act requires the department, prior to entering into an agreement, to submit a copy of the agreement to the Legislative Analyst for his or her review and recommendations. The act provides that the proposed agreement is deemed to constitute the Legislative Analyst's approval if the Legislative Analyst fails to respond within 30 days after submission.~~

~~This bill would instead provide that the proposed agreement is deemed to constitute the Legislative Analyst's approval if the Legislative Analyst fails to respond within 30 days after submission.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~  
yes . State-mandated local program: no.

**BILL NUMBER: SB 762      INTRODUCED**

INTRODUCED BY Senator Yee

FEBRUARY 18, 2011

**LEGISLATIVE COUNSEL'S DIGEST**

SB 762, as introduced, Yee. Fish and wildlife: taking and possession.

Existing law makes it unlawful to take any bird, mammal, fish, reptile, or amphibian except as provided in the Fish and Game Code or regulations made pursuant to that code. Possession of those animals, or animal parts, under specified circumstances is prima facie evidence the possessor took the animal or animal parts.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.



**BILL NUMBER: SB 1018      CHAPTERED**  
CHAPTER 39  
FILED WITH SECRETARY OF STATE JUNE 27, 2012  
APPROVED BY GOVERNOR JUNE 27, 2012  
PASSED THE SENATE JUNE 27, 2012  
PASSED THE ASSEMBLY JUNE 27, 2012  
AMENDED IN ASSEMBLY JUNE 26, 2012  
AMENDED IN ASSEMBLY JUNE 25, 2012

INTRODUCED BY Committee on Budget and Fiscal Review

FEBRUARY 6, 2012

LEGISLATIVE COUNSEL'S DIGEST

I am signing Senate Bill 1018 with the following objection:  
Section 127. I am reducing the amount for transfer from the Motor Vehicle Fuel Account to the State Parks and Recreation Fund from \$21,000,000 to \$7,000,000. The remaining \$14,000,000 will be transferred to the Off-Highway Vehicle Trust Fund. I am sustaining \$7,000,000 of the one-time transfer and, in conjunction with the other amounts I am sustaining for the Department of Parks and Recreation (Department), these amounts will provide the funding needed to allow the Department to address its most critical operating needs.

EDMUND G. BROWN JR.

SB 1018, Committee on Budget and Fiscal Review. Public resources.

(1) Existing law establishes the Office of Education and the Environment in the California Environmental Protection Agency to implement the statewide environmental educational program and, in cooperation with the State Department of Education and the State Board of Education, develop and implement a unified education strategy on the environment for elementary and secondary schools in the state.

This bill would establish the office in the Department of Resources Recycling and Recovery instead and make conforming changes.

(2) An existing provision of the California Constitution authorizes the Legislature, at any time after the approval by the voters of a law authorizing the issuance of bonded indebtedness, to reduce the amount of the indebtedness authorized by the law to an amount not less than the amount contracted at the time of the reduction.

This bill would reduce, by prescribed amounts, the amount of bonded indebtedness authorized in the California Library Construction and Renovation Bond Act of 1988, the Public Education Facilities Bond Act of 1996, the California Park and Recreational Facilities Act of 1984, the California Wildlife, Coastal, and Park Land Conservation Act of 1988, the California Safe Drinking Water Bond Law of 1976, the 1992 School Facilities Bond Act, the 1990 School Facilities Bond Act, and the 1988 School Facilities Bond Act.

(3) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA exempts from its provisions, among other things, certain types of ministerial projects proposed to be carried out or approved by public agencies, and emergency repairs to public

service facilities necessary to maintain service.

Existing law designates the issuance of permits to operate vacuum or suction dredge equipment by the Department of Fish and Game to be a project under CEQA, and suspends the issuance of those permits until the department has completed a court-ordered environmental impact report for the project, as specified. Existing law prohibits the use of any vacuum or suction dredge equipment in any river, stream, or lake, for instream mining purposes, until the earlier of the following dates: June 30, 2016, or when the Director of Fish and Game makes a prescribed certification to the Secretary of State, including certifying that new regulations fully mitigate all identified significant environmental impacts and that a fee structure is in place that will fully cover all costs to the department related to the administration of the program.

This bill would repeal the June 30, 2016 date, and, instead, make the moratorium operative until the director makes that certification to the secretary. The bill would, in order to facilitate the making of that certification, require the department to consult with other agencies as it determines to be necessary, and, on or before April 1, 2013, prepare and submit to the Legislature a report with recommendations on statutory changes or authorizations necessary to develop the required suction dredge regulations, including, but not limited to, recommendations relating to the mitigation of all identified significant environmental impacts and a fee structure that will fully cover all program costs.

(4) Existing law establishes the Salton Sea Restoration Council as a state agency in the Natural Resources Agency to oversee the restoration of the Salton Sea.

This bill would, on January 1, 2013, eliminate the council.

(5) Existing law, the Milk and Milk Products Act of 1947, regulates the production of milk and milk products in this state and requires a permit from the Secretary of Food and Agriculture or from the approved milk inspection service maintained by the county designated by the secretary for each dairy farm in order to engage in the business of producing market milk, as defined. Existing law authorizes inspection fees to be levied by the county or, where there is no approved milk inspection service for the county, the secretary. A violation of any provision regulating the production of milk or milk products is a crime.

This bill would expand the permitting and inspection fee requirements to persons engaged in the business of producing manufacturing milk, as provided. The bill would revise the method under which the secretary assesses inspection fees, require the money collected to be placed into the Department of Food and Agriculture Fund, which may be expended upon appropriation by the Legislature, and require the secretary to establish plan review fees for sanitary design and construction review activities relating to dairy farms. Because this bill would expand the scope of a crime, it would create a state-mandated local program.

(6) Existing law requires a license from the secretary for each separate milk products plant or place of business dealing in, receiving, manufacturing, freezing, or processing milk, or any milk product, or manufacturing, freezing, or processing imitation ice cream or imitation ice milk.

This bill would raise the license fees for semifrozen milk product plants, limited manufacturing permits issued to hotels, restaurants, or boardinghouses, and butter testers, samplers and weighers, technicians, pasteurizers, and graders. The bill would also include related legislative findings.

(7) Existing law authorizes the Director of General Services to enter into an agreement to lease-purchase finance or lease with an

option to purchase, with an initial option purchase price that exceeds \$2,000,000, for the purpose of providing a specified amount of square footage of office, warehouse, parking, and related facilities to consolidate the operations of state agencies in Long Beach. Existing law authorizes the State Public Works Board to issue revenue bonds, negotiable notes, or negotiable bond anticipation notes to finance the acquisition of these facilities.

This bill would delete this provision.

(8) Existing law authorizes the State Public Works Board to issue revenue bonds, negotiable notes, or negotiable bond anticipation notes to finance specified facilities pursuant to a Riverside/San Bernardino Regional Facilities Study.

This bill would delete this provision.

(9) Existing law establishes until July 1, 2014, the School District Account in the Underground Storage Tank Cleanup Fund and transfers in the 2009-10, 2010-11, and 2011-12 fiscal years \$10,000,000 per year from the fund to the account for payment of claims filed by a school district that takes corrective actions to clean up an unauthorized release from a petroleum underground storage tank.

This bill would extend the provisions establishing the School District Account from July 1, 2014, until January 1, 2016. The bill would require that funds in the School District Account not expended in a fiscal year remain in the School District Account, and that any funds remaining in the account on January 1, 2016, revert to the Underground Tank Cleanup Fund. The bill would repeal provisions specific to encumbered funds that are in the School District Account on July 1, 2012.

(10) Existing law provides for the establishment of the Underground Storage Tank Cleanup Fund and associated authority, until January 1, 2016, to pay for various costs of corrective action in regard to unauthorized releases of petroleum from underground storage tanks. Existing law provides that the repeal of the fund and associated authority does not terminate the filing and payment of claims against that fund until the moneys are exhausted.

This bill would add specified claims for corrective action filed by a school district to those claims that can be filed and paid until the Underground Storage Tank Cleanup Fund moneys are exhausted.

(11) Existing law requires an owner, lessor, or lessee who knows of or has probable cause to believe that a significant disposal of hazardous waste has occurred on, under, or into land or that the land is within 2,000 feet of a significant disposal of hazardous waste and who intends to construct or allow to be constructed on the land a building or structure for specified uses to apply with DTSC to determine whether the land is to be designated as a hazardous waste property or a border zone property. Existing law authorizes a person to enter into an agreement with DTSC providing for the imposition of land use restrictions on the land. Existing law restricts the use of land if the land has been designated as a hazardous waste property or a border zone property. Existing law authorizes DTSC to grant a variance from the land use restrictions.

This bill would repeal the above provisions, but DTSC would retain the authority to grant a variance from the land use restrictions imposed pursuant to the repealed provisions. DTSC would also retain the authority to enter into an agreement with a property owner providing for restricting specific uses of the property.

(12) The California Expedited Remedial Action Reform Act of 1994 requires DTSC, upon the request of a responsible party, to have a site remediated pursuant to that act. That act authorizes the use of land use control as a part of the remedial plan for the site. That act authorizes DTSC to modify the land use control under specified

conditions.

This bill would repeal that act. The bill would provide that the requirements of the act continue to apply to sites selected for remediation pursuant to the act before the effective date of this measure.

(13) Existing law establishes the Hazardous Substance Cleanup Arbitration Panel in the Office of Environmental Health Hazard Assessment and authorizes a responsible party to request arbitration before the panel, in lieu of a judicial process, for the purposes of apportioning liability for the costs of removal and remedial actions incurred in response to a release or threatened release of a hazardous substance into the environment.

This bill would repeal the panel and the arbitration process.

(14) Existing law authorizes a private site management team, upon the approval of DTSC, to conduct an investigation of potential hazardous substances release sites and to prepare a remedial design for the implementation of a response plan for a release site.

This bill would repeal these provisions.

(15) Existing law establishes the abandoned site program and requires DTSC to develop protocols and procedures for conducting an abandoned site survey of rural unsurveyed counties.

This bill would repeal that program.

(16) The California Land Environmental Restoration and Reuse Act authorizes a local government to implement a program to require the owner of property that may be affected by a hazardous material release, or threat of a release, to undertake remedial action on the property.

This bill would repeal the act.

(17) Existing law, the Hazardous Waste Reduction, Recycling, and Treatment Research and Demonstration Act of 1985, requires DTSC to establish a Hazardous Waste Technology, Research, Development, and Demonstration Program, consisting of specified elements.

This bill would provide that DTSC's duty to implement that act is contingent upon, and limited to, the availability of funding, except as specified.

(18) The existing Hazardous Waste Source Reduction and Management Review Act of 1989 requires DTSC to establish a program for hazardous waste source reduction and provides for the creation and nonoperation of the California Source Reduction Advisory Committee. The act requires DTSC to establish, with regard to source reduction, various programs, including a technical and research assistance program, a technical assistance and outreach program, and a California Green Business Program.

This bill would rename the act the Pollution Prevention and Hazardous Waste Source Reduction and Management Review Act (act) and would instead provide for the creation of the California Pollution Prevention Advisory Committee, with specified membership and duties. The bill would delete the requirement that DTSC establish those source reduction technical assistance, research, and outreach programs and would instead authorize DTSC to establish a technical and research program to assist businesses in identifying and applying pollution prevention methods, to establish a technical assistance and outreach program to promote implementation of model pollution prevention measures for priority business categories, and to provide pollution prevention and training resources. The bill would also make discretionary the development of the California Green Business Program.

This bill would provide that DTSC's duty to implement the act is contingent upon, and is limited to, the availability of funding, except as provided with regard to the requirements imposed upon generators.

(19) DTSC is required, under the act, to select at least 2 categories of generators every 2 years, for specified enforcement activities, and is authorized to request, from any generator subject to the act, a copy of the generator's source reduction evaluation review and plan. A generator is required to provide the review and plan to DTSC or unified program agency, upon request.

The bill would delete the requirements that DTSC select at least 2 categories of generators every 2 years for those specified enforcement activities.

(20) The act requires DTSC to prepare a draft work plan once every 2 years, with specified information.

This bill would instead authorize DTSC to prepare a work plan on a periodic basis, and would revise the information included in the work plan.

(21) Existing law requires DTSC to develop a low-cost voluntary program to reduce the generation of hazardous waste by large businesses.

This bill would repeal that requirement. The bill would also make conforming and technical changes.

(22) The Environmental Quality Assessment Act of 1986 requires the Director of Toxic Substances Control to develop and adopt by regulation criteria for a voluntary registration of environmental assessors.

This bill would repeal the act and make conforming changes.

(23) Existing law defines the term "phase I environmental assessment" for purposes of the provisions requiring the preparation of a phase I environmental assessment before the acquisition of a schoolsite and specifies the information that a phase I environmental assessment may include.

This bill would revise the definition of a phase I environmental assessment to require the assessment to meet the current requirements adopted by the American Society for Testing and Materials (ASTM) for Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process or certain federal regulations. The bill would impose a state-mandated local program by imposing new duties upon local agencies.

(24) Existing law, the California Global Warming Solutions Act of 2006, designates the State Air Resources Board (state board) as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions. The act authorizes the state board to include use of market-based compliance mechanisms. The act authorizes the state board to adopt a schedule of fees to be paid by the sources of greenhouse gas emissions regulated pursuant to the act, and requires the revenues collected pursuant to that fee schedule be deposited into the Air Pollution Control Fund and be available, upon appropriation by the Legislature, for the purposes of carrying out the act.

This bill would create the Greenhouse Gas Reduction Fund as a special fund in the State Treasury and would require any money collected by the state board from the auction or sale of allowances pursuant to a market-based compliance mechanism to be deposited into the fund and available for appropriation by the Legislature. The bill would require a state agency, prior to expending any money appropriated to it by the Legislature from the fund, to prepare a record consisting of a description of proposed expenditures and of how they will further the regulatory purposes of the Global Warming

Solutions Act of 2006, of how they will achieve specified greenhouse gas emission reductions, how the agency considered other objectives of that act, and how the agency will document expenditure results. The bill would declare that these provisions do not amend the act or the authority of the state board to adopt and implement a fee pursuant to the act, and would declare expenditures of moneys from the fund severable, as specified.

This bill would require the Department of Finance, on or before January 10, 2013, to submit a proposed bill to the Legislature that provides a detailed spending plan for the expenditure of moneys from the Greenhouse Gas Reduction Fund, as specified, if the Legislature does not pass a bill, on or before August 31, 2012, that, among other things, specifies a process for the establishment of a long-term spending strategy for these funds. The bill would establish a Cost of Implementation Account in the Air Pollution Control Fund and require fees collected from sources of greenhouse gas emissions to be deposited into this account and available upon appropriation by the Legislature for purposes of carrying out the California Global Warming Solutions Act of 2006.

(25) Under existing law, the state board is required to consult with other states, and the federal government, and other nations to identify the most effective strategies and methods to, among other things, reduce greenhouse gases.

This bill would impose conditions on nongovernmental entities created to assist the state board in the implementation of the Global Warming Solutions Act of 2006. It would also impose limitations on any link, as defined, between the state and another state, province, or country for purposes of a market-based compliance mechanism, by, among other things, prohibiting any state agency, including the state board, from taking any action to create such a link unless the state agency notifies the Governor, and the Governor issues specified written findings on the proposed link, that consider the advice of the Attorney General. The bill would require the state board to give notice to the Joint Legislative Budget Committee before undertaking expenditures over \$150,000 connected with a specified nonprofit corporation involved in administering the extraterritorial aspects of the state's greenhouse gas reduction program. It would also require the California officers on the board of that nonprofit corporation to report every 6 months to the Joint Legislative Budget Committee on certain actions of the corporation.

(26) Under the Public Utilities Act, the Public Utilities Commission (PUC) has regulatory jurisdiction over public utilities, including electrical corporations. A violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the PUC is a crime. The California Global Warming Solutions Act of 2006 and its implementing regulations provide for the direct allocation of greenhouse gas allowances to electrical corporations.

This bill would authorize the PUC to allocate, for specified clean energy programs, up to 15% of the revenues received by electrical corporations as a result of that allocation of allowances and would require the PUC to direct the balance of those revenues to be credited directly to the residential, small business, and emissions-intensive trade-exposed retail customers of the electrical corporations, as specified. The bill would also require the PUC to require each electrical corporation to adopt a customer outreach plan in regard to the crediting of those allowance revenues, as specified. Because a violation of this requirement is a crime, this bill would impose a state-mandated local program.

(27) Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters

as Proposition 1B at the November 7, 2006, general election, authorizes the issuance of \$19.925 billion of general obligation bonds for specified purposes, including schoolbus retrofit and replacement purposes. Existing law specifies the responsibilities of various agencies with regard to implementing the bond act. Existing law also establishes various programs for the reduction of vehicular air pollution, including the Lower-Emission School Bus Program adopted by the State Air Resources Board. Existing law appropriates funds to the board and requires the board to allocate these bond funds in specified ways, including funding local air quality management districts.

This bill would require the bond funds to be transferred by January 1, 2013, if a local air district's funds, including accrued interest, are not committed by an executed contract, as reported to the board, by June 30, 2012, as provided. The bill would require the local air district and the board to, by September 30, 2012, establish a list of potential local air districts that can be the recipient of the transferred funds, with priority given to districts with the most polluting school buses and with the greatest need for school bus funding.

The bill would require each allocation of funding made by the board to a local air district to include enough funding for at least one project to be implemented pursuant to the Lower-Emission School Bus Program.

The bill would require all funds allocated by the board to a local air district to be expended by June 30, 2014, and would require all funds not expended by that date to be returned to the board.

(28) Existing law prohibits the Division of Oil, Gas, and Geothermal Resources (DOGGR) from expending, through the 2011-12 fiscal year, more than \$2,000,000 in any one fiscal year for the purpose of hazardous or idle-deserted wells. The division is prohibited from expending, commencing with the 2012-13 fiscal year, more than \$1,000,000 in any one fiscal year for the purpose of hazardous or idle-deserted wells.

This bill, instead, would authorize DOGGR to expend, commencing on July 1, 2008, up to \$2,000,000 in any one fiscal year through the 2014-15 fiscal year, and up to \$1,000,000 commencing with the 2015-16 fiscal year.

(29) Existing law establishes the State Parks and Recreation Fund into which are deposited fees, rents, and other returns for use of the state parks, and moneys in the fund are available for expenditure for state park planning, acquisition, and development projects, operation of the state park system, and resource and property management and protection, when appropriated by the Legislature.

This bill would require the Department of Parks and Recreation (DPR) to develop a revenue generation program as an essential component of a long-term sustainable park funding strategy, in accordance with prescribed requirements. The bill would require that all revenues generated by the revenue program developed pursuant to the bill be deposited into the California State Park Enterprise Fund, which the bill would create. The bill would make moneys in the fund available to the department for expenditure, upon appropriation by the Legislature, to be used for specified purposes relating to revenue generating activities by specified park districts and DPR. The bill would require DPR to establish a revolving loan program and prepare guidelines for park districts to apply for funds available under the program, as prescribed.

The bill would require that the sum of \$3,000,000, unexpended and available to DPR from the California Clean Water, Clean Air Safe Neighborhood Parks, and Coastal Protection Fund, and the sum of \$10,000,000 from the unexpended balance of specified bond funds made

available to DPR under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, be transferred and deposited into the California State Park Enterprise Fund, and would authorize the expenditure of those funds, upon appropriation by the Legislature, for the purposes of the revenue generation program.

(30) Existing law authorizes DPR to collect fees, rents, and other returns for the use of any state park system area, in amounts determined by DPR. Existing law requires that all revenues received by DPR during each fiscal year be paid into the State Treasury to the credit of the State Parks and Recreation Fund, and requires that those funds be available, with specified exceptions, for state park planning, acquisition, and development projects, operation of the state park system, and resource and property management and protection, when appropriated by the Legislature.

This bill would create the State Parks Revenue Incentive Subaccount within the State Parks and Recreation Fund and would require the Controller to annually transfer \$15,340,000 from the State Parks and Recreation Fund into the subaccount. The bill would continuously appropriate the money in the subaccount to DPR to create incentives for projects that are consistent with the mission of DPR and that generate revenue and would prohibit DPR from expending more than \$11,000,000 annually from the subaccount to administer, protect, develop, and interpret the property under its jurisdiction. The bill would require the Office of State Audits and Evaluations to review the activities funded from the subaccount.

The bill would require the revenue generated from projects funded by the subaccount to be deposited in the subaccount and would continuously appropriate that revenue for expenditure by DPR, of which at least 50% of the revenue would be required to be expended in the district of DPR that earned the revenue.

The bill would provide that the funds in the subaccount are available for encumbrance and expenditure until June 30, 2014, and for liquidation until June 30, 2016. The bill would make the provision establishing the subaccount inoperative on June 30, 2016, and would repeal the provision on January 1, 2017. The bill would require the Controller, on July 1, 2016, to transfer any unexpended funds remaining in the subaccount to the State Parks and Recreation Fund.

(31) Existing law authorizes the Department of Motor Vehicles (DMV) to issue specialty license plates, including environmental license plates and specified special environmental design license plates. The department is required to charge specified fees for certain services related to the issuance of those plates.

This bill would additionally authorize DMV, in consultation with DPR, to design and make available for issuance special state parks environmental license plates bearing a full-plate graphic design depicting a California redwood tree, as specified, upon payment of an additional fee by a person applying for the special plate.

(32) Existing law continuously appropriates state and federal funds in the State Water Pollution Control Revolving Fund to the State Water Resources Control Board for loans and other financial assistance for the construction of publicly owned treatment works by a municipality, the implementation of a management program, the development and implementation of a conservation and management plan, and other related purposes in accordance with the federal Clean Water Act and the Porter-Cologne Water Quality Control Act.

This bill would state the intent of the Legislature that the State Water Resources Control Board make loans to DPR of up to \$10,000,000 each fiscal year until June 30, 2016, from the State Water Pollution



Control Revolving Fund for eligible projects associated with water, wastewater, and septic systems, and other water-related projects.

(33) Existing law requires moneys deposited to the credit of the Motor Vehicle Fuel Account in the Transportation Tax Fund to be transferred monthly to the Off-Highway Vehicle Trust Fund in an amount attributable to taxes imposed upon distributions of motor vehicle fuel used in the operation of motor vehicles off highway. The Off-Highway Vehicle Trust Fund is administered by DPR, and moneys in the fund are available, upon appropriation, to the department.

This bill would require the Controller to transfer the sum of \$21,000,000 on July 1, 2012, to the Department of Parks and Recreation Fund from moneys in the Motor Vehicle Fuel Account that would otherwise be deposited into the Off-Highway Motor Vehicle Fund.

(34) The Reliable Electric Service Investments Act required the PUC to require the state's 3 largest electrical corporations, until January 1, 2012, to identify a separate electrical rate component, commonly referred to as the "public goods charge," to collect specified amounts to fund energy efficiency, renewable energy, and research, development, and demonstration programs that enhance system reliability and provide in-state benefits, including the California Solar Initiative. An existing decision of the PUC institutes an Electric Program Investment Charge (EPIC), subject to refund, to fund renewable energy and research, development, and demonstration programs.

This bill would create in the State Treasury the Electric Program Investment Charge Fund to be administered by the State Energy Resources Conservation and Development Commission (Energy Commission). The bill would require moneys received by the PUC for those EPIC programs the PUC has determined should be administered by the Energy Commission to be forwarded by the PUC to the Energy Commission at least quarterly for deposit in the fund, as specified. This bill would revise language regarding funding for the California Solar Initiative to conform with the termination of the "public goods charge."

(35) Existing law establishes the Renewable Energy Resources Program for the purposes of optimizing public investment and ensuring the most cost-effective and efficient investment in renewable energy resources. Existing law establishes the Renewable Resource Trust Fund, and upon appropriation by the Legislature in the annual Budget Act, moneys in the fund may be expended for the administration of the program and state expenditures associated with an accounting system. The remaining moneys in the fund are deposited in various accounts within the fund, and those moneys and accounts are continuously appropriated to the commission to implement the program. Existing law requires the Energy Commission to administer the program.

This bill would revise and recast the program to conform these provisions with the termination of the public goods charge and, except for the Emerging Renewable Resources Account, would eliminate the accounts within the fund. The bill would continuously appropriate the money in the Emerging Renewable Resources Account to the Energy Commission to close out the award of incentives for emerging technologies and consumer education activities, as specified.

(36) Existing law establishes the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, and prescribes the functions, duties, and membership of the conservancy. Existing law requires that the governing board of the conservancy consist of 13 voting members and 7 nonvoting members, and requires that the voting members include 2 members of the board of directors of the San Gabriel Valley Council of Governments, one of whom shall be a mayor or city council member of a city bordering along the San Gabriel

River, and one of whom shall be a mayor or a city council member of a city bordering the San Gabriel Mountains area. Existing law further requires that one member be appointed by a majority of the membership of that board of directors, and one member be appointed by the Senate Committee on Rules from a list of 2 or more potential members submitted by the board of directors.

This bill would authorize the Senate Committee on Rules, if the San Gabriel Valley Council of Governments fails to provide to the Senate Committee on Rules a list of 2 or more potential members at least 30 days prior to the date a current appointee's term of office ends, to appoint a mayor or city council member of a city bordering along the San Gabriel River or the San Gabriel Mountains, or a member of the public who resides within the territory of the conservancy.

(37) Existing law, the California Beverage Container Recycling and Litter Reduction Act (act), requires a distributor to pay a redemption payment no later than the 2nd month following the sale of a beverage container, between February 1, 2010, and June 30, 2012, and, after that date, to make that payment no later than the 3rd month following the sale. Existing law requires the payments to be made to the Department of Resources Recycling and Recovery (CalRecycle), which is required to deposit those amounts in the California Beverage Container Recycling Fund. Under existing law, the money in the fund is continuously appropriated to CalRecycle. A violation of the act is a crime.

This bill would instead require, as of July 1, 2012, that the payment be made no later than the last day of the month following the sale, thereby imposing a state-mandated local program by changing the definition of a crime.

(38) The Electronic Waste Recycling Act of 2003 requires a retailer selling a covered electronic device in this state to collect an electronic waste recycling fee and to transmit the fee to CalRecycle. Existing law provides for the administration of the act by both CalRecycle and DTSC and authorizes CalRecycle to administratively impose civil liability for each sale of a covered electronic device for which a covered electronic waste recycling fee has not been paid and against manufacturers for failure to comply with the act. The fines and penalties collected under the act are required to be deposited in the Electronic Waste Penalty Subaccount, and CalRecycle and the DTSC are authorized to expend the fines and penalties deposited in the subaccount, upon appropriation by the Legislature. CalRecycle is required to make electronic waste recovery payments directly to an authorized collector or to a covered electronic waste recycler that meets specified eligibility requirements for payment to an authorized collector and to make electronic waste recycling payments to a covered electronic waste recycler.

This bill would authorize CalRecycle to administratively impose civil liability against a person who makes a false statement or representation in a document filed, submitted, maintained, or used for purposes of compliance with the act. The bill would authorize CalRecycle to revoke the approval or deny the renewal application of an authorized collector or covered electronic waste recycler that makes a false statement or representation, and to deny an application for approval or renewal from an authorized collector or covered electronic waste recycler that, or an individual identified in the application who, has a history demonstrating a pattern of operation in conflict with the act. The bill would require a person challenging certain regulatory actions under the act, or an approved covered electronic waste recycler challenging the denial or adjustment of an electronic waste recovery payment or electronic waste recycling payment, to first exhaust all administrative remedies by filing with

CalRecycle a timely administrative appeal, in accordance with the regulations adopted to implement the act.

(39) Existing law requires a business that generates more than 4 cubic yards of commercial solid waste per week to arrange for recycling services, as prescribed.

This bill would instead require a business that generates 4 cubic yards or more of commercial solid waste per week to arrange for the recycling services.

(40) Under existing law, the State Water Resources Control Board and the 9 California regional water quality control boards prescribe waste discharge requirements in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the federal Clean Water Act and the Porter-Cologne Water Quality Control Act (state act). The state act requires regional boards to consist of 9 members appointed by the Governor, one for each of 6 descriptions of qualifications enumerated in the state act and 3 not specifically associated with any of those enumerated qualifications. The state act disqualifies a person from being a member of the state board or a regional board if that person receives or has received during the previous 2 years a significant portion of his or her income directly or indirectly from a person subject to, or applicants for discharge permits pursuant to, the NPDES requirements.

This bill would revise the state act to establish regional boards of 7 members each, as specified, to be appointed by the Governor. This bill would also require the terms of office for members of each regional board to be staggered and expire in accordance with a prescribed schedule. This bill would, under specified conditions, provide that a person is not disqualified from being a member of a regional board if that person receives or has received during the previous 2 years income directly or indirectly from a person who has been issued a discharge permit by the state board or a regional board other than the one of which he or she is a member.

(41) The state act prohibits a member of the state board or a regional board from participating in specified board actions that involve the board member or any waste discharger with which the board member is connected as a director, officer, or employee, or in which the board member has a financial interest within the meaning of the Political Reform Act of 1974.

This bill would delete the provision prohibiting a board member from participating in actions that involve the member or a waste discharger with which the member is connected. The bill would specify that the limitation on a board member's financial interest applies only to a disqualifying financial interest within the meaning of the Political Reform Act of 1974.

(42) Under existing law, costs of the state water project incurred for the enhancement of fish and wildlife or for the development of public recreation are nonreimbursable from prices, rates, or charges for water or power. Existing law states the intent of the Legislature to appropriate money from the General Fund to reimburse those costs in connection with the state water project, as prescribed.

Existing law establishes the Harbors and Watercraft Revolving Fund and requires all money received by the Department of Boating and Waterways to be credited to this fund. Under existing law, fees for the issuance and renewal of a certification of numbering of a vessel by DMV are also deposited into the Harbors and Watercraft Revolving Fund and the moneys from these fees are continuously appropriated to the Department of Motor Vehicles to administer the registration program and to the Department of Boating and Waterways, as prescribed. Existing law also transfers money deposited to the credit of the Motor Vehicle Fuel Account to the Harbors and Watercraft

Revolving Fund, for expenditure, as prescribed. Under existing law, all money in the fund is also available, upon appropriation, to the Department of Boating and Waterways, DPR, the Department of Fish and Game, the Department of Food and Agriculture, and the State Water Resources Control Board for, among other things, boating-related facility development, addressing boating safety programs, boating-related spread of invasive species, and regulatory activities.

This bill would, on July 1, 2012, and each July 1 thereafter, transfer \$7,500,000 from the General Fund portion of the Harbors and Watercraft Revolving Fund to the Davis-Dolwig Account (account), which this bill would establish in the California Water Resources Development Bond Fund. This bill would, for the purposes of reimbursing costs of the State Water Resources Development System incurred for recreation and the enhancement of fish and wildlife, continuously appropriate \$7,500,000 from the account to the Department of Water Resources (DWR) and require any amount in the account in excess of \$20,000,000 on June 30 of each year to be transferred back to the Harbors and Watercraft Revolving Fund. This bill would also transfer \$2,500,000 from the General Fund portion of the Harbors and Watercraft Revolving Fund to the account and continuously appropriate \$2,500,000 from the account to DWR for the payment of state recreation and fish and wildlife enhancement costs incurred on or before December 31, 2011, and would make this transfer and appropriation inoperative upon certification of full payment of these costs by the Director of Finance. This bill would require the DWR to provide, as part of the annual Governor's budget process, details of the account balance and expenditures from the account. This bill would provide that funds made available to the DWR in the account fulfill the legislative intent to provide funds for fish and wildlife enhancements and recreation.

(43) Existing law authorizes the Governor, in certain circumstances, to direct the Controller to make transfers of money from any special funds and other accounts to the General Cash Revolving Fund.

This bill would authorize the Controller to use the Davis-Dolwig Account for cash flow loans to the General Fund in accordance with specified provisions.

(44) Existing law requires the department to prepare and submit annually, as prescribed, to the chairpersons of the fiscal committees of the Legislature a report with regard to the budget for the State Water Resources Development System.

This bill would require the department, at least 60 days prior to the final approval of the renewal or extension of a long-term water supply contract, to present, at an informational hearing before specified committees of the Legislature, the details of the terms and conditions of the contract and how they serve as a template for the remaining long-term water supply contracts.

(45) Existing law establishes the Public Utilities Reimbursement Account into which is deposited registration fees collected from electric service providers and annual fees paid by every electrical, gas, telephone, telegraph, water, sewer system, and heat corporation and every other public utility providing service directly to customers or subscribers and subject to the jurisdiction of the commission other than a railroad.

The bill would appropriate \$139,000 from the Public Utilities Reimbursement Account to the Office of Environmental Health Hazard Assessment for staffing to perform activities related to identifying and determining inhalation standards for certain constituents of biomethane injected into a common carrier pipeline.

(46) The bill would appropriate \$1,000 from the State Parks and

Recreation Fund to DPR for administrative costs.

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

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

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

(48) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

**BILL NUMBER: SB 1126      INTRODUCED**

INTRODUCED BY Senator Walters

FEBRUARY 17, 2012

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1126, as introduced, Walters. The Wildlife Center.

Existing law provides that there is in state government the Department of Food and Agriculture and prescribes various duties, powers, and responsibilities of the department.

This bill would require the department, upon inspection and approval of the facility, to grant the Wildlife Center a permit to operate for at least 5 years. The bill would provide that the department is the sole state licensing agency over the Wildlife Center. The bill would authorize the department to charge the Wildlife Center a fee for the initial permit and for any subsequent renewals and inspections to cover the department's reasonable costs for those activities. The bill would require the Department of Fish and Game, upon the request of the Wildlife Center, to release the remains of Cotie, a dog/coyote hybrid, to the Wildlife Center.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Wildlife Center.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

**BILL NUMBER: SB 1148      CHAPTERED**

CHAPTER 565

FILED WITH SECRETARY OF STATE SEPTEMBER 25, 2012

APPROVED BY GOVERNOR SEPTEMBER 25, 2012

PASSED THE SENATE AUGUST 31, 2012

PASSED THE ASSEMBLY AUGUST 31, 2012

AMENDED IN ASSEMBLY AUGUST 30, 2012

AMENDED IN ASSEMBLY AUGUST 24, 2012

AMENDED IN ASSEMBLY AUGUST 20, 2012

AMENDED IN ASSEMBLY JUNE 21, 2012

AMENDED IN SENATE MAY 29, 2012

AMENDED IN SENATE MARCH 29, 2012

INTRODUCED BY Senator Pavley

FEBRUARY 21, 2012

LEGISLATIVE COUNSEL'S DIGEST

To the Members of the California State Senate:

I am signing Senate Bill 1148 which establishes a permanent mitigation bank program and strengthens the wild and heritage trout program.

Since the Hatchery and Inland Fisheries Fund is structurally imbalanced, I am line-item vetoing the additional \$1 million appropriation from this fund.

I am deleting the appropriation in subdivision (h) of Section 13007.

EDMUND G. BROWN JR.

SB 1148, Pavley. Fish and Game Commission: Department of Fish and Game.

(1) The Sacramento-San Joaquin Valley Wetlands Mitigation Bank Act of 1993 provides for the establishment of wetlands mitigation bank sites to increase the total wetlands acreage and values within the Sacramento-San Joaquin Valley.

This bill would provide that no conservation bank, mitigation bank, or conservation and mitigation bank is operative, vested, or final, nor bank credits issued, until the Department of Fish and Game has approved the bank in writing and a conservation easement has been recorded on the site. The bill would require the department to follow certain procedures and authorize the department to charge and adjust specified fees to cover the reasonable costs of the department reviewing various documents when a person is interested in establishing a bank. The bill would require the department to deposit revenues of those fees in a separate dedicated account within the Fish and Game Preservation Fund.

The bill would require the department to establish and maintain a database that includes certain information about banks and to make this data available on its Internet Web site or accessible by a link from the department's Internet Web site.

The bill would require the department to adopt and amend guidelines and criteria to amend provisions relating to the department's review of a bank.

(2) Under existing law, the changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services is used as the index to determine an annual rate of increase or decrease in the fees for hunting and fishing licenses, stamps, permits, and tags. Under existing law, the department issues lifetime sportsman's licenses, hunting licenses, sport fishing ocean enhancement stamps, commercial fishing ocean enhancement stamps, commercial fishing ocean

enhancement validations, commercial fishing licenses, commercial fish business licenses, commercial boat registrations, sport fishing ocean enhancement validations, trapping licenses, and sport fishing licenses, and existing law establishes base fees for those entitlements, adjusted annually pursuant to the index.

This bill would require the Fish and Game Commission to adjust the base fees for lifetime sportsman's licenses, hunting licenses, sport fishing ocean enhancement stamps and validations, commercial fishing ocean enhancement stamps and validations, commercial fishing licenses, commercial fish business licenses, commercial boat registrations, trapping licenses, and sport fishing licenses, as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the department and the commission relating to those licenses. The bill would also authorize the department to establish fees and to adjust statutorily imposed fees by regulation for certain filings, permits, determinations, or other department actions.

(3) Existing law relating to the Office of Planning and Research requires every officer, agency, department, or instrumentality of state government to cooperate in the preparation and maintenance of the State Environmental Goals and Policy Report and to ensure that their entity's functional plan is consistent with specified state planning priorities and annually demonstrate, when requesting infrastructure as specified, how the plans are consistent with those priorities. Existing law requires those entities to comply with any request for advice, assistance, information, or other material.

This bill would specify that the subject entities include certain trustee agencies.

(4) Existing law, the Trout and Steelhead Conservation and Management Planning Act of 1979, requires the department to determine whether a stream or lake should be managed as a wild trout fishery, or whether its management should involve the planting of native trout species to supplement wild trout populations. Existing law requires the commission to develop additional wild trout waters. Existing law requires the department to prepare a list each year of no less than 25 miles of stream or stream segments and at least one lake that it deems suitable for consideration as wild trout waters and to submit this list to the commission. Existing law requires the commission to annually submit a report to the Legislature that includes its reasons why any stream or lake listed by the department was or was not included in the program. Existing law requires the department to prepare and complete management plans for all wild trout waters not more than 3 years following their initial designation by the commission, and to update the management plan every 5 years following completion of the initial management plan.

This bill would revise the findings and declarations of the act. The bill would require the department to maintain and continuously revise specified inventories prepared for each stream, stream system, or lake, with the goal of reviewing every watershed once per decade, and would require the department to make those inventories publicly available on the department's Internet Web site. The bill would require the commission, instead, to report to the Legislature regarding progress in implementing the wild trout program on even-numbered years and would require the report to be publicly available on the department's Internet Web site.

The bill would require the department every 5 years to update the Strategic Plan for Trout Management published in November 2003 as necessary to guide the state's trout management. The bill would require the department to prepare and complete trout management plans consistent with the Strategic Plan for Trout Management for all wild trout waters, to be reviewed as prescribed, and to make the

Strategic Plan for Trout Management and the trout management plans publicly available on the department's Internet Web site. The bill would require the department, by January 1, 2014, to form an intradepartmental strategic trout management team to provide statewide direction and trout management oversight and to be responsible for developing prescribed basin management plans.

The bill would require the department to give priority to stocking native hatchery-produced species in California's waters where stocking is determined to be appropriate by the department. The bill would require the department to ensure that all trout stocked in waters of the state for recreational purposes, except as provided, are unable to reproduce through triploidy or other means. The bill would authorize the department to provide specified outreach to anglers to promote awareness, would authorize the department to develop, conduct, and respond to angler preference and satisfaction surveys, and would require educational programs utilizing the hatcheries to be encouraged. The bill would require the department to review angling regulations periodically and adjust those regulations to ensure consistency with the Strategic Plan for Trout Management.

Existing law requires 33 1/3% of the fees derived from the issuance of sport fishing licenses, with certain exceptions, to be deposited into the Hatchery and Inland Fisheries Fund within the State Treasury. Existing law authorizes moneys in the fund to be expended, upon appropriation, in support of department programs related to the management, maintenance, and capital improvement of California's fish hatcheries, the Heritage and Wild Trout Program, enforcement activities, and other activities eligible to be funded from revenue generated by sport fishing license fees. Existing law requires that those fund moneys be used for specified purposes, including the attainment of prescribed fish production and release goals for state hatcheries.

This bill would instead authorize the expenditure of those moneys, consistent with specified existing law, to support programs of the department related to management, maintenance, and capital improvement of California's fish hatcheries, the Heritage and Wild Trout program, and enforcement activities related thereto, and to support other activities eligible to be funded from revenue generated by sport fishing license fees. The bill would require that the fees be used for the purposes of attaining a specified hatchery production goal, the Heritage and Wild Trout Program, the development of trout management plans, and staffing, as specified. The bill would require the department, on an annual basis, to invest in hatchery facility improvements and rehabilitation to ensure progress towards achievement of specified hatchery fish production targets. The bill would authorize the department, beginning January 1, 2015, to obtain California-based hatchery fish if specified criteria are satisfied. The bill would establish funding for "Heritage Trout Waters" as a priority for the fund.

The bill would appropriate \$1,000,000 from the Hatchery and Inland Fisheries Fund to the department for capital outlay expenditures necessary to improve state hatchery facility and system improvements to achieve specified hatchery fish production goals.

Appropriation: yes.



**BILL NUMBER: SB 1249      CHAPTERED**

CHAPTER 597

FILED WITH SECRETARY OF STATE SEPTEMBER 26, 2012

APPROVED BY GOVERNOR SEPTEMBER 26, 2012

PASSED THE SENATE AUGUST 30, 2012

PASSED THE ASSEMBLY AUGUST 29, 2012

AMENDED IN ASSEMBLY AUGUST 24, 2012

AMENDED IN ASSEMBLY AUGUST 22, 2012

AMENDED IN ASSEMBLY AUGUST 20, 2012

AMENDED IN ASSEMBLY JULY 3, 2012

AMENDED IN SENATE MAY 29, 2012

AMENDED IN SENATE APRIL 17, 2012

AMENDED IN SENATE APRIL 9, 2012

INTRODUCED BY Senator Wolk

(Principal coauthor: Assembly Member Huffman)

FEBRUARY 23, 2012

LEGISLATIVE COUNSEL'S DIGEST

SB 1249, Wolk. Department of Fish and Game: lands: expenditures.

(1) Existing law requires the Department of Fish and Game to operate lands, or lands and water, acquired for public shooting grounds, state marine recreational management areas, or wildlife management areas on a nonprofit basis (collectively, department-operated lands). Existing law states that multiple recreational use of wildlife management areas is desirable and requires the Fish and Game Commission to encourage multiple recreational use. Existing law authorizes the commission to determine and fix the amount of, and authorizes the department to collect, fees for any use privileges. Existing law restricts shooting permits for department-operated lands to persons holding valid hunting licenses. Existing law, except as expressly provided, makes any violation of the Fish and Game Code, or any rule, regulation, or order made or adopted under that code, a misdemeanor.

This bill would authorize the department to enter into contracts or other agreements with nonprofit conservation groups, as specified, for the management and operation of department-managed lands, defined to include public shooting grounds, state marine recreational management areas, ecological reserves, and wildlife management areas. The bill would state that hunting, fishing, wildlife viewing, wildlife photography, conservation education, and fish and wildlife research are priority uses compatible with department-managed lands, except as specified, and would allow the department to authorize by regulation other public uses. The bill would authorize the department to require the purchase of a special use permit for those other public uses. The bill, commencing January 1, 2015, would require the purchase of an entry permit if the department makes certain findings, as specified, for nonconsumptive uses of department-managed lands, except as provided. The bill would make the failure to obtain a permit an infraction, as specified, and provide that a person in possession of a valid hunting license, sport fishing license, or trapping license is exempt from a requirement to obtain a permit. The bill would require moneys generated by these provisions to be deposited in the Native Species Conservation and Enhancement Account of the Fish and Game Preservation Fund, and those funds would be available, upon appropriation by the Legislature, to the department to use for the management and operation of its lands. The bill would require, to the extent that the department is able to identify the source of the fee revenue collected, the department to provide no less than 35% of the funds generated by these provisions to the

department-managed lands from which the fee revenues were collected.

(2) Existing law requires specified fines and penalties paid to and retained in the county treasury to be deposited in a county fish and wildlife propagation fund and expended for the protection, conservation, propagation, and preservation of fish and wildlife, under the direction of the county board of supervisors. Existing law limits expenditures from the fish and wildlife propagation fund of a county for specified purposes.

This bill would require all proposed expenditures from a county fish and wildlife propagation fund to be reviewed first at a regular meeting of the county board of supervisors or its designated county fish and game commission to ensure compliance with those specified expenditure purposes. The bill would find and declare that these provisions are an issue of statewide concern and not a municipal affair, as specified. By imposing new duties on counties, this bill would impose a state-mandated local program.

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

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

**BILL NUMBER: SB 1251      AMENDED**  
AMENDED IN SENATE MAY 1, 2012  
AMENDED IN SENATE APRIL 9, 2012

INTRODUCED BY Senator Evans

FEBRUARY 23, 2012

LEGISLATIVE COUNSEL'S DIGEST

SB 1251, as amended, Evans. Ocean Protection Council: Aquatic Invasive Species Working Group.

Existing law establishes the Ocean Protection Council, and prescribes the membership and functions and duties of the council. Existing law requires the council, among other things, to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations. Existing law also establishes the Wildlife Conservation Board, and prescribes its functions and duties with regard to land preservation and species protection and control.

This bill would require the council and the board ~~upon appropriation of funding by the Legislature,~~ to *enter into a memorandum of agreement to* jointly establish an Aquatic Invasive Species Working Group for the development and implementation of an aquatic invasive species control ~~program,~~ *program. The bill would require the Secretary of the Natural Resources Agency to appoint a member of the council or its executive director to chair the working group,* comprised of specified members appointed by the ~~Secretary of the Natural Resources Agency~~ *secretary*. The bill would prescribe the functions and duties of the working group with regard to the management of aquatic invasive species within different regions of the state. The bill would require the working group, no later than

January 1, 2014, to prepare and submit to the Legislature a report containing recommendations for future legislation pertaining to the management of aquatic invasive species in the state.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

**BILL NUMBER: SB 1354      INTRODUCED**

INTRODUCED BY Senator Dutton

FEBRUARY 24, 2012

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1354, as introduced, Dutton. California Environmental Quality Act: project.

Existing law, the California Environmental Quality Act, requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report (EIR) on a project, as defined, that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect.

This bill would make a technical, nonsubstantive change in the provisions defining a project.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

**BILL NUMBER: SB 1397      INTRODUCED**

INTRODUCED BY Senator Wyland

FEBRUARY 24, 2012

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1397, as introduced, Wyland. Joint Legislative Committee on Job Creation and Economic Development.

Existing law creates the Joint Legislative Budget Committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the state budget, the revenues and expenditures of the state, the organization and functions of the state, its departments, subdivisions, and agencies, and such other matters as may be provided for in the Joint Rules of the Senate and Assembly.

This bill would create the Joint Legislative Committee on Job Creation and Economic Development and require the committee to hear testimony from business representatives regarding how to improve job creation and economic development. The bill would require the committee to transmit a record of the recommendations received to each Member of the Legislature for the purpose of enacting legislation to improve job creation and economic development.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

**BILL NUMBER: SB 1447      INTRODUCED**

INTRODUCED BY Senator Walters

FEBRUARY 24, 2012

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1447, as introduced, Walters. Artificial reefs.

Existing law establishes a California Artificial Reef Program, administered by the Department of Fish and Game, to include the placement of artificial reefs in state waters and a prescribed study of existing successful reefs and new reefs to determine design criteria. "Artificial reef" is defined for that purpose to mean manmade or natural objects intentionally placed in selected areas of the marine environment to duplicate those conditions that induce production of fish and invertebrates on natural reefs and rough bottoms, and that stimulate the growth of kelp or other midwater plant life that creates natural habitat for those species.

This bill would delete that definition and, instead, define "artificial reef" to mean a structure that is constructed or placed in certain waters for the purposes of enhancing fishery resources and commercial and recreational fishing opportunities and to provide recreational SCUBA diving opportunities. The bill would require the department to designate a California State Artificial Reef Coordinator with specified responsibilities under the bill. The bill would authorize the department to impose a fee on any person or entity seeking to place or convert any object or structure as an artificial reef, not to exceed the actual costs to the department of evaluating the proposed project.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

**BILL NUMBER: SB 1486      AMENDED**

AMENDED IN SENATE APRIL 16, 2012

AMENDED IN SENATE MARCH 28, 2012

INTRODUCED BY Senator Lieu

( *Coauthor: Senator de León*  
)

FEBRUARY 24, 2012

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1486, as amended, Lieu. Food facilities: menu labeling.

The Sherman Food, Drug, and Cosmetic Law contains various provisions regarding the contents, packaging, labeling, and advertising of food, drugs, and cosmetics. The California Retail Food Code provides for the regulation of health and sanitation standards for retail food facilities, as defined, by the State Department of Public Health. Under existing law, local health agencies are primarily responsible for enforcing the California Retail Food Code. A violation of any of these provisions is punishable as a misdemeanor. The code requires fish that are received for sale or service to be commercially and legally caught or harvested. The code also imposes various labeling and storage requirements for shellstock.

This bill would require a retail food facility, as defined, that offers or sells as a menu item seafood, as defined, ~~that is~~

~~raised, caught, or produced outside the United States~~ to identify ~~on the menu~~ specified information regarding the seafood *and, if the retail food facility has a drive-through area and uses a menu board to display or list menu items, to disclose on this menu board a statement that this specified information is available upon request* .

The bill would require the department or local enforcement agencies to enforce these provisions, as specified, and would make a violation an infraction or subject to a civil penalty. *The bill would provide an exception to these enforcement provisions for food facilities that were provided inaccurate information by the entity that provided the seafood.*

By expanding the definition of a crime and imposing additional duties upon local officials, this bill would impose a state-mandated local program.

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

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

**BILL NUMBER: SCR 71      CHAPTERED**  
RESOLUTION CHAPTER 68  
FILED WITH SECRETARY OF STATE JULY 11, 2012  
APPROVED BY GOVERNOR JULY 11, 2012  
ADOPTED IN SENATE MAY 17, 2012  
ADOPTED IN ASSEMBLY JULY 5, 2012  
AMENDED IN SENATE MAY 15, 2012

INTRODUCED BY Senator Cannella  
(Coauthors: Senators Berryhill, La Malfa, Rubio, and Wolk)  
(Coauthors: Assembly Members Bill Berryhill, Ma, Olsen, Perea, Valadao, and Yamada)

FEBRUARY 24, 2012

Relative to the University of California.

LEGISLATIVE COUNSEL'S DIGEST  
SCR 71, Cannella. The University of California Division of Agriculture and Natural Resources.

This measure would state the Legislature's support for the programs and initiatives administered by the University of California Division of Agriculture and Natural Resources and would request the United States Department of Agriculture, the Regents of the University of California, and the board of supervisors in each county in the state to continue their support and funding of the division.

WHEREAS, The University of California (UC) is a land-grant institution founded in 1868 whose original mandate was, "without

excluding other scientific and classical studies and including military tactic, to teach such branches of learning as are related to agriculture and the mechanic arts"; and

WHEREAS, The University of California Division of Agriculture and Natural Resources (UCDANR) is a network of researchers and educators dedicated to the creation, development, and application of knowledge to local and statewide problems; and

WHEREAS, The UCDANR has a physical presence in 57 of California's 58 counties and provides California residents with local access to UC resources; and

WHEREAS, The UC Cooperative Extension is supporting healthy communities by developing science-based strategies whose goals include, but are not limited to, prevention of childhood obesity and diabetes, reducing pesticide usage in agriculture, offering nutrition education to limited-resource families and children, enhancing the safety of our food supply, and protecting state resources from the harmful effects of invasive species; and

WHEREAS, The UCDANR Agricultural Experiment Station and the UC Cooperative Extension develop and disseminate innovations that help drive California's \$35 billion agricultural industry; and

WHEREAS, In 2011, Master Gardener Program volunteers and 4-H volunteers trained by the UCDANR dedicated 1.9 million hours of their time to improving the lives of young people, enhancing their communities, and providing sound research-based information to homeowners and backyard gardeners; and

WHEREAS, The UCDANR has sustained substantial funding cuts in recent years; and

WHEREAS, The number of UCDANR academic appointments has decreased by 18 percent from 1998 to 2008, inclusive, for advisors, specialists, and Agricultural Experiment Station academics; and

WHEREAS, Budgetary constraints, vacant positions, and eliminated positions are requiring individual UC cooperative extensionists to assume responsibility for multiple counties and threatening their ability to maintain traditional service levels; and

WHEREAS, California policymakers and the public at large face emerging and regulatory issues for which science-based information will be critical for effective, equitable, and transparent policymaking; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature supports the programs and initiatives administered by the University of California Division of Agriculture and Natural Resources and the division's focus on public service; and be it further

Resolved, That the Legislature requests the United States Department of Agriculture, the Regents of the University of California, and the board of supervisors in each county in the state to continue their support and funding of the University of California Division of Agriculture and Natural Resources; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.

**BILL NUMBER: SCR 103      CHAPTERED**

RESOLUTION CHAPTER 121

FILED WITH SECRETARY OF STATE SEPTEMBER 10, 2012

APPROVED BY GOVERNOR SEPTEMBER 10, 2012

ADOPTED IN SENATE AUGUST 28, 2012

ADOPTED IN ASSEMBLY AUGUST 31, 2012

AMENDED IN SENATE AUGUST 13, 2012

INTRODUCED BY Senator Berryhill

(Coauthors: Senators Blakeslee, Cannella, Dutton, Harman, Huff,  
and Runner)

(Coauthors: Assembly Members Galgiani, Garrick, Gordon, Hagman,  
Huffman, Jeffries, and Mansoor)

AUGUST 6, 2012

Relative to wildlife resources.

LEGISLATIVE COUNSEL'S DIGEST

SCR 103, Berryhill. Wildlife resources: federal Wildlife and Sport Fish Restoration Program.

This measure would acknowledge the 75th anniversary of the federal Wildlife and Sport Fish Restoration Program and recognize, among others, the United States Fish and Wildlife Service for its leading role in restoring healthy populations of fish, wildlife, and other natural resources throughout the nation.

WHEREAS, More than a century ago, hunters and anglers were among the first conservationists who realized America's fish and wildlife resources and their habitats were in peril and could not sustain unregulated harvest and further habitat destruction; and

WHEREAS, Hunters and anglers took it upon themselves to support laws that stopped excessive harvest of fish and wildlife, established game and fish agencies to protect fish, wildlife, and their habitats, and supported special fishing and hunting license fees to help fund the new agencies' efforts to provide for healthy natural resources for future generations; and

WHEREAS, The State of California then and now recognizes that the primary authority to protect and manage fish and resident wildlife within the state's borders resides in the state fish and wildlife agencies; and

WHEREAS, Upon realizing that license fees alone were insufficient to restore and sustain healthy fish and wildlife populations, hunters and anglers supported excise taxes on firearms, ammunition, archery equipment, hunting equipment, and fishing equipment to raise additional funds to support restoration and enhancement efforts of the state agencies; and

WHEREAS, These efforts became known as the federal Wildlife and Sport Fish Restoration Program that began 75 years ago with the passage of the Federal Aid in Wildlife Restoration Act of 1937, and then in 1950, was bolstered with the passage of the Federal Aid in Sport Fish Restoration Act, which was further expanded with the Wallop-Breaux amendment to the Sport Fish Restoration Act in 1984; and

WHEREAS, The passage of each federal act was predicated on the knowledge that hunters and anglers have a vested interest in the conservation of fish and wildlife and in the healthy sustainability of wildlife habitats; and

WHEREAS, The combined contribution of the federal Wildlife and Sport Fish Restoration Program to state fish and wildlife agencies

exceeds \$13 billion since 1939, more than any other single conservation effort in American history; and

WHEREAS, The funds raised under the federal Wildlife and Sport Fish Restoration Program have helped conserve our fish and wildlife resources and provide opportunities for outdoor recreation for more than half a century. These investments, which help create jobs while protecting California's natural treasures, are particularly important in these tough economic times; and

WHEREAS, The cooperative partnership among industry, hunters, anglers, boaters, recreational shooters, hunting and fishing organizations, and the United States Fish and Wildlife Service and California's Department of Fish and Game has resulted in a successful model of fish and wildlife management that includes the conservation of land, wildlife, fish, and better opportunities for hunters, fishermen, and others to enjoy California's fish and wildlife resources; and

WHEREAS, In California, the Federal Aid in Wildlife Restoration Act of 1937, as amended, has been a stable source of funding that has been instrumental in the efforts to reestablish elk in suitable habitat that has resulted in a statewide population of about 3,900 Tule elk in 21 separate herds throughout California; the annual Central Valley Angler Survey, funded by \$1,120,000 from the federal Wildlife and Sport Fish Restoration Program, which leads to scientifically set harvest quotas, ensuring the conservation of salmon while supporting the \$167,000,000 economic contribution from the annual salmon fishery enjoyed by 500,000 anglers; and

WHEREAS, Successful wildlife restoration projects in California have included the protection and maintenance of over 285,000 acres of wildlife areas with the annual support of \$9,000,000 from the federal Wildlife Restoration Act of 1937, as amended, that create public access for hunting and fishing and for wildlife surveillance and reporting; and

WHEREAS, The annual support from the federal Wildlife and Sport Fish Restoration Program in California has provided the foundation for conservation over 75 years. These investments have proven to be the example of conservation in the great State of California and have directly resulted in the increased awareness of conservation needs; and

WHEREAS, Habitat stewardship and the actions of conservation organizations combined with the annual funding generated by hunting and fishing have become the cornerstone of our nation's fish and wildlife conservation model; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California acknowledges the 75th anniversary of the federal Wildlife and Sport Fish Restoration Program and recognizes the many hunters, anglers, boaters, recreational shooters, as well as state fish and wildlife agencies and the United States Fish and Wildlife Service for their leading role in restoring healthy populations of fish, wildlife, and other natural resources, both game and nongame, to the abundance we see today; and

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Director of Fish and Game, the Secretary of the Natural Resources Agency, and to the author for distribution, so that all may know and appreciate the foresight and contributions from anglers, hunters, recreational shooters, industry, state fish and wildlife agencies, and the United States Fish and Wildlife Service on behalf of our nation's natural resources.