

AMENDED IN SENATE JUNE 20, 2012

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 18, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2402

Introduced by Assembly Member Huffman

February 24, 2012

An act to amend Section 219 of the Code of Civil Procedure, to amend Sections 37, 39, 700, 1002, 2068, 2070, 2071, 2071.5, 2072.7, 2073, 2073.3, 2073.5, 2073.7, 2074, 2074.2, 2074.4, 2074.6, 2074.8, 2075, 2075.5, 2076.5, 2077, 2078, 2079, 2080, 2082, 2084, 2089.4, 2536, 2540, 3031.2, 6651, 7149.8, ~~and~~ 8598.3, and 13014 of, ~~and~~ to add Sections 13.5, 33, 43, 702.1, 703.3, 703.5, 715, 1020, 1065, 1617, 1803, 2081.2, 2090, 12028, and 13205 to, and to add Article 7 (commencing with Section 1225) to Chapter 3 of Division 2 of, the Fish and Game Code, ~~and~~ to amend Section 12805 of the Government Code, to amend Section 4800 of the Labor Code, and to amend Section 633 of the Penal Code, relating to fish and wildlife resources and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2402, as amended, Huffman. Department of Fish and ~~Game:~~ *Game and Fish and Game Commission: entitlements: fees: violations: 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 findings and declarations of the Legislature concerning the process of developing a strategic vision for the department and the commission pursuant to Chapter 424 of the Statutes of 2010, as specified. ~~The~~ *This 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. This bill would permit 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. ~~The~~

The bill would state the intent of the Legislature regarding department and commission partnerships and collaborations with other agencies and stakeholders. This bill would provide that it is the intent of the Legislature that the department is encouraged, to the extent feasible and subject to available resources, to establish and coordinate an environmental crimes task force.

This bill would rename the department the Department of Fish and Wildlife Conservation, 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, and would require their continued use until exhausted or unserviceable.

The bill would require the Director of Fish and ~~Game~~ *Wildlife Conservation*, in consultation with the Natural Resources Agency, to establish an independent science advisory panel to provide advice and recommendations to the department and the commission.

~~The bill would require the department to develop and adopt a method to impose and collect entry pass fees for visitors who are engaging in nonconsumptive uses, as defined, at state wildlife refuges and other lands managed by the department that are open to the public. The bill would require the department, where, in the determination of the department, it is feasible and cost effective, to make entry passes available for purchase onsite, and to modify its online processes for purchase of entry passes and warden stamps to make these systems user-friendly for nonconsumptive users.~~

This 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.

~~The bill would require the director, at least 30 days before submitting the department's proposed annual budget requests to the Governor, to give the commission an opportunity to review and provide comment on the proposed annual budget requests.~~

(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 licences or permits. The bill would require the department to adjust the amount of the fees for scientific collecting permits as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the department and the commission 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.

This bill would require the department, by January 1, 2015, to modify its Automated License Data System to include information on all violations of the code and regulations adopted pursuant to the code. The bill would require the department, by January 1, 2015, to modify electronic field equipment utilized by fish and game wardens to give fish and game wardens access to Automated License Data System information in the field.

This bill would require the department to maintain a statewide electronic system to manage citations issued by fish and game wardens, to the extent feasible, as prescribed.

(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. ~~Existing~~

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 Fish and Game Preservation Fund and used for prescribed purposes.

(5) ~~Existing~~ law establishes specific accounts within the ~~fund~~ Fish and Game Preservation 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) *Under existing law, the department is permitted to issue a permit to take or possess a species for scientific, educational, or propagation purposes, as prescribed.*

This bill would permit the department to authorize in this permit the incidental take of a species, as defined, if the department determines that the take of the species is reasonably necessary to fulfill the scientific, educational, or propagation purpose of the permit.

(7) *Existing law generally provides for the execution of lake or streambed alteration agreements by the Department of Fish and Game, and persons, state or local governmental agencies, or public utilities for the purpose of regulating the conduct of activities that affect a river, stream, or lake, and thereby affect the protection and conservation of fish and wildlife.*

This bill would permit the department to authorize in this agreement the incidental take of a species, as defined, if the department determines that the take of the species is reasonably necessary to complete the

project or will facilitate the protection of affected fish or wildlife resources by the project.

(8) Existing law, the California Environmental Quality Act requires a lead agency to prepare and certify the completion of an environmental impact report 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. Under existing law, the department, as trustee for fish and wildlife resources, is required to consult with lead and responsible agencies, as prescribed.

This bill would permit the department, when the department serves as the lead or responsible agency or in connection with the department's consultations with the lead and responsible agencies, to authorize, in writing, the incidental take of a species, as defined, if the department determines that the take of the species is reasonably necessary to complete the project or will facilitate the mitigation measures imposed on the project.

(9) Existing law, the California Endangered Species Act (CESA) requires the commission to establish a list of endangered species and a list of threatened species, and requires the department to recommend, and the commission to adopt, criteria for determining if a species is endangered or threatened. Under existing law, an interested person may petition the commission to add a species to, or remove a species from, either the list of endangered species or the list of threatened species, and existing law requires the commission to consider the petition, as prescribed.

This bill would instead require the department to establish a list of endangered species and a list of threatened species, and would require the department to adopt criteria for determining if a species is endangered or threatened. This bill would require an interested person to petition the department and require the department to consider the petition, as specified.

(10) Under existing law, CESA authorizes the department to authorize the take of threatened species, endangered species, or candidate species by permit if certain requirements are met. Existing law provides that nothing in CESA or any other law prohibits the taking or incidental taking of any endangered, threatened, or candidate species, if the taking was authorized by the department through a permit or memorandum of understanding and certain conditions are met.

This bill would permit the department to authorize in these permits or memoranda of understanding the incidental take of a species, as

defined, if the department determines that the take of the species is reasonably necessary to complete the project or facilitate the minimization and full mitigation of the incidental take of endangered, threatened, or candidate species resulting from the project.

This bill would prohibit a state or local agency from carrying out, approving, or funding any project, as defined, on mitigation lands, as defined, unless it requires a project proponent, as defined, to receive incidental take authorization or a written determination, as specified. This bill would also prohibit a project proponent from undertaking any project on mitigation land unless the proponent receives this authorization or written determination.

(11) Existing law establishes in the Special Deposit Fund, the Fish and Game Mitigation and Protection Endowment Principal Account with money in the account available upon appropriation by the Legislature, and the Fish and Game Mitigation and Protection Expendable Funds Account with money in the account continuously appropriated to the department for specified purposes. The department may deposit moneys in these accounts for purposes that include mitigating adverse biological impacts of a specific project, activity, spill, or release, and protecting, conserving, restoring, enhancing, managing, and maintaining fish, wildlife, native plants, or their habitats. Existing law requires the Treasurer, at the department's request, to transfer those funds from the Pooled Money Investment Account to another account within the State Treasury system to increase earnings over time while providing adequate liquidity. Existing law also authorizes the department to retain investment advisers to develop and maintain the investment strategy for these accounts.

This bill would instead authorize the department to invest or direct the investment of the assets of these accounts through the purchase, holding, or sale of any investment, financial instrument, or financial transaction when prudent in the informed opinion of the department. This bill would also authorize the department to contract with a person or entity, as specified, that has demonstrated expertise in the management of diverse investment portfolios.

Existing law, the Uniform Prudent Management of Institutional Funds Act (UPMIFA) governs the management and use of endowed institutional funds held by charitable institutions. UPMIFA, among other things, provides that a rebuttable presumption of imprudence is created by the appropriation for expenditure in any year of an amount

greater than 7% of the fair market value of an endowment fund, calculated as prescribed.

This bill would require the department to hold, manage, and invest all moneys in the Fish and Game Mitigation and Protection Endowment Principal Account and the Fish and Game Mitigation and Protection Expendable Funds Account consistent with the management and investment principles set forth in UPMIFA. This bill would also continuously appropriate to the department moneys in the Fish and Game Mitigation and Protection Endowment Principal Account, subject to the limitations imposed by the presumption described above.

(12) Existing law excludes specified law enforcement personnel from the prohibition against recording communications without the consent of the parties.

This bill would add any law enforcement officer of the department to the list of law enforcement personnel excluded from the prohibition.

(13) Existing workers' compensation law provides that whenever any member of the Department of Justice falling within the "state peace officer/firefighter" class or when a harbor policeman 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 provide that the above provision also applies to a law enforcement officer employed by the department.

(14) Existing law exempts certain peace officers from voir dire in civil and criminal matters, and other specified peace officers from voir dire in criminal matters.

This bill would exempt from voir dire in criminal matters peace officers employed by the department, as specified.

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

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

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) In 2010, the Legislature passed and the Governor signed
- 3 Assembly Bill 2376 (*Ch. 424, Stats. 2010*), which established a
- 4 process to develop a strategic vision for the Department of Fish
- 5 and Game and the Fish and Game Commission.

1 (b) Pursuant to Assembly Bill 2376, the Natural Resources
2 Agency appointed an executive committee, a blue ribbon
3 commission, and a broad-based stakeholder group, and established
4 a public process that is focused on improving and enhancing the
5 capacity of both the Department of Fish and Game and the Fish
6 and Game Commission to protect and manage California's fish
7 and wildlife.

8 (c) All groups and individuals with an interest in improving the
9 work of the department and the commission have been invited to
10 participate in the stakeholder group process. Numerous public
11 meetings have been held and extensive information on the process
12 and the comments received to date are available on the Internet
13 Web site of the Department of Fish and Game. The process is still
14 underway and a final report is due to the Legislature by June 2012.

15 (d) The policy chairs of the committees of the Legislature with
16 subject matter jurisdiction shall consider proposed legislation to
17 address many of the draft recommendations of the California Fish
18 and Wildlife Strategic Vision and other reforms necessary to satisfy
19 the mandate of Assembly Bill 2376. Some of the content of the
20 proposed legislation reflects suggestions contained in the draft
21 interim strategic vision report released by the department and the
22 commission on November 22, 2011. The proposed legislation may
23 be amended from time to time to reflect additional
24 recommendations as the stakeholder and blue ribbon commission
25 process and final reports of the executive committee are completed.

26 *SEC. 2. Section 219 of the Code of Civil Procedure is amended*
27 *to read:*

28 219. (a) Except as provided in subdivision (b), the jury
29 commissioner shall randomly select jurors for jury panels to be
30 sent to courtrooms for voir dire.

31 (b) (1) Notwithstanding subdivision (a), no peace officer, as
32 defined in Section 830.1, subdivision (a) of Section 830.2, and
33 subdivision (a) of Section 830.33, of the Penal Code, shall be
34 selected for voir dire in civil or criminal matters.

35 (2) Notwithstanding subdivision (a), no peace officer, as defined
36 in subdivisions ~~(b)~~ and (b), (c), and (e) of Section 830.2 of the
37 Penal Code, shall be selected for voir dire in criminal matters.

38 ~~SEC. 2.~~

39 *SEC. 3. Section 13.5 is added to the Fish and Game Code, to*
40 *read:*

1 13.5. “Adaptive management,” unless otherwise specified in
2 this code, means management that improves the management of
3 biological resources over time by using new information gathered
4 through monitoring, evaluation, and other credible sources as they
5 become available, and adjusts management strategies and practices
6 to assist in meeting conservation and management goals. Under
7 adaptive management, program actions are viewed as tools for
8 learning to inform future actions.

9 ~~SEC. 3.~~

10 *SEC. 4.* Section 33 is added to the Fish and Game Code, to
11 read:

12 33. “Credible science” means the best available scientific
13 information that is not overly prescriptive due to the dynamic
14 nature of science, and includes the evaluation principles of
15 relevance, inclusiveness, objectivity, transparency, timeliness,
16 verification, validation, and peer review of information as
17 appropriate. Credible science also recognizes the need for adaptive
18 management as scientific knowledge evolves.

19 ~~SEC. 4.~~

20 *SEC. 5.* Section 37 of the Fish and Game Code is amended to
21 read:

22 37. “Department” means the Department of Fish and Wildlife
23 *Conservation.*

24 ~~SEC. 5.~~

25 *SEC. 6.* Section 39 of the Fish and Game Code is amended to
26 read:

27 39. “Director” means the Director of Fish and Wildlife
28 *Conservation.*

29 ~~SEC. 6.~~

30 *SEC. 7.* Section 43 is added to the Fish and Game Code, to
31 read:

32 43. “Ecosystem-based management” means an environmental
33 management approach relying on credible science, as defined in
34 Section 33, that recognizes the full array of interactions within an
35 ecosystem, including humans, rather than considering single issues,
36 species, or ecosystem services in isolation.

37 ~~SEC. 7.~~

38 *SEC. 8.* Section 700 of the Fish and Game Code is amended
39 to read:

1 700. (a) There is in the Natural Resources Agency a
2 Department of Fish and Wildlife *Conservation* administered
3 through the director.

4 (b) The Department of Fish and Wildlife *Conservation* shall
5 succeed to, and is vested with, all the duties, powers, purposes,
6 responsibilities, property, and jurisdiction previously vested in the
7 Department of Fish and Game.

8 (c) Whenever the term “Department of Fish and Game” appears
9 in a law, the term means the “Department of Fish and ~~Wildlife.”~~
10 *Wildlife Conservation.*”

11 (d) No existing supplies, forms, insignias, signs, logos, uniforms,
12 or emblems shall be destroyed or changed as a result of changing
13 the name of the Department of Fish and Game to the Department
14 of Fish and Wildlife *Conservation*, and those materials shall
15 continue to be used until exhausted or unserviceable.

16 *SEC. 9. Section 702.1 is added to the Fish and Game Code, to*
17 *read:*

18 *702.1. The department shall maintain a statewide electronic*
19 *system to manage citations issued by fish and game wardens and,*
20 *to the extent feasible, the department shall do all of the following:*

21 *(a) Electronically file citations with the court.*

22 *(b) Receive electronic reporting from courts on case*
23 *dispositions.*

24 *(c) Electronically track-court imposed fines and penalties to*
25 *ensure collection of funds by the department.*

26 *(d) Electronically report court dispositions to the Automated*
27 *License Data System to enhance tracking of violations and allow*
28 *efficient handling of license or permit suspensions, revocations,*
29 *or court orders.*

30 ~~SEC. 8.~~

31 *SEC. 10. Section 703.3 is added to the Fish and Game Code,*
32 *to read:*

33 *703.3. It is the policy of the state that the department and*
34 *commission use ecosystem-based management informed by*
35 *credible science in all resource management decisions to the extent*
36 *feasible. It is further the policy of the state that scientific*
37 *professionals at the department and commission, and all resource*
38 *management decisions of the department and commission, be*
39 *governed by a scientific quality assurance and integrity policy,*
40 *and follow well-established standard protocols of the scientific*

1 profession, including, but not limited to, the use of peer review,
2 publication, and science review panels where appropriate. Resource
3 management decisions of the department and commission should
4 also incorporate adaptive management to the extent possible.

5 ~~SEC. 9.~~

6 *SEC. 11.* Section 703.5 is added to the Fish and Game Code,
7 to read:

8 703.5. It is the intent of the Legislature that the department and
9 the commission seek to create, foster, and actively participate in
10 effective partnerships and collaborations with other agencies and
11 stakeholders to achieve shared goals and to better integrate fish
12 and wildlife resource conservation and management with the
13 natural resource management responsibilities of other agencies.
14 To that end, the department and commission are encouraged to
15 participate in interagency coordination processes that facilitate
16 consistency and efficiency in review of projects requiring multiple
17 permits, including, but not necessarily limited to, joint state,
18 federal, and local permit review teams that enable early
19 consultation with project applicants, and provide improved sharing
20 of data, information, tools, and science to achieve better alignment
21 of planning, policies, and regulations across agencies.

22 ~~SEC. 10.~~

23 *SEC. 12.* Section 715 is added to the Fish and Game Code, to
24 read:

25 715. (a) As used in this section, “panel” means the independent
26 science advisory panel established pursuant to subdivision (b).

27 (b) The director, in consultation with the Natural Resources
28 Agency, shall establish an independent science advisory panel to
29 provide advice and recommendations to the department and the
30 commission. The panel shall be composed of no more than 10
31 members recommended by the director and approved by the
32 Secretary of the Natural Resources Agency. The term of office
33 shall be for five years. A member shall not serve more than two
34 consecutive terms and shall not receive state compensation for
35 membership on the panel. Members of the panel shall be scientific
36 experts in their fields with expertise in biological sciences and
37 with a range of multidisciplinary expertise pertinent to the work
38 of the department and the commission. The purpose of the panel
39 shall be to assist the department and the commission in establishing

1 an independent and objective view of the scientific issues
2 underlying important policy decisions.

3 (c) The duties of the panel shall include, but not necessarily be
4 limited to, the following:

5 (1) Providing oversight of the scientific research, monitoring,
6 and assessment programs that support the department's and the
7 commission's work with fish and wildlife species and their habitats.

8 (2) Providing the best available independent scientific
9 information and advice to guide and inform department and
10 commission decisions.

11 (3) Promoting and facilitating independent scientific peer review.

12 (4) Promoting science-based adaptive management.

13 (5) Ensuring scientific integrity and transparency in
14 decisionmaking.

15 (d) The panel may recommend and consult with other
16 independent scientific experts with specialized expertise as needed
17 for independent peer review of department reports, including, but
18 not limited to, status review reports prepared for purposes of
19 informing decisions on petitions for listing of species under the
20 California Endangered Species Act (Chapter 1.5 (commencing
21 with Section 2050) of Division 3).

22 (e) The panel shall develop a proposed scientific integrity policy
23 to guide the work of the department and the commission. The
24 scientific integrity policy may include, but is not necessarily limited
25 to, an ethical code of conduct for department scientists, standards
26 for independent peer review, and other best practices for ensuring
27 scientific integrity and public confidence in department and
28 commission work products and decisions.

29 (f) For marine fisheries and other marine resources, the
30 department may utilize the California Ocean Science Trust for the
31 purposes of this section.

32 ~~SEC. 11.~~

33 *SEC. 13.* Section 1002 of the Fish and Game Code is amended
34 to read:

35 1002. (a) The department may issue permits, subject to
36 restrictions and regulations that the commission determines are
37 desirable, to take or possess, in any part of the state, for scientific,
38 educational, or propagation purposes, mammals, birds and the
39 nests and eggs thereof, fish, amphibians, reptiles, or any other form
40 of plant or animal life.

1 (b) The department may issue a permit that is valid for 24
2 months from the date of issuance to a resident of this state on the
3 payment of a base fee of thirty dollars (\$30), as adjusted under
4 Section 713.

5 (c) Notwithstanding subdivision (b), the department may issue
6 a permit without fee that is valid for 12 months from the date of
7 issuance for either of the following purposes:

8 (1) To authorize only the banding of birds and the exhibition
9 of live or dead wildlife specimens by public zoological gardens,
10 scientific, or educational institutions.

11 (2) To a student who is regularly enrolled in a commercial
12 fishing class in a school operating under the jurisdiction of the
13 State Board of Education or in a commercial fishing class in a
14 community college and to a faculty member of those schools or a
15 community college when conducting a regularly enrolled class in
16 commercial fishing. Any permit issued under this paragraph shall
17 be valid only when the student is under the direct supervision of
18 the instructor who is approved by the school or community college
19 to teach the class and who has obtained a permit under subdivision
20 (b) or this paragraph from the department. All fish taken shall be
21 taken in accordance with state law, except that Sections 7850,
22 7880, and 7881 do not apply to persons or equipment operating
23 under this paragraph. All fish taken under a permit issued under
24 this paragraph may be sold only to a person licensed to receive
25 fish from commercial fishermen as provided in Section 8032 or
26 8033 or donated to a charitable institution. All funds received from
27 the sale of the fish shall be used solely for the support of the
28 commercial fishing classes.

29 (d) The department may issue a special student permit that is
30 valid for 12 months from the date of issuance on the payment of
31 a base fee of ten dollars (\$10), as adjusted under Section 713, to
32 any student in a school of collegiate level who is required by an
33 instructor in wildlife research in the school to collect specimens
34 used in laboratory work in the school under supervision and in
35 connection with a course in wildlife research or in the conduct of
36 wildlife investigations and studies on behalf of the public.

37 (e) The department may issue a nonresident permit that is valid
38 for 24 months from the date of issuance on application and payment
39 of a base fee of one hundred dollars (\$100) as adjusted under
40 Section 713.

1 (f) It is not necessary for the possessor of the permit to have a
 2 sport fishing or hunting license to collect any fish, reptile, aquatic
 3 animal or plant, bird, or mammal for scientific, educational, or
 4 propagation purposes in this state.

5 (g) Nothing in this section authorizes any act which violates
 6 Section 597 of the Penal Code.

7 (h) A permit under this section does not authorize the taking of
 8 fish or mammals from the ocean waters of this state which are
 9 within the boundaries of any city if the city has filed with the
 10 department an objection to the taking.

11 (i) (1) *In any permit issued pursuant to subdivision (a), the*
 12 *department may authorize the incidental take of any species, as*
 13 *defined in paragraph (2), if the department determines that the*
 14 *take of the species is reasonably necessary to fulfill the scientific,*
 15 *educational, or propagation purpose of the permit. The department*
 16 *may impose terms and conditions on the take of species pursuant*
 17 *to this subdivision.*

18 (2) *For the purposes of this section, species means a species*
 19 *that is not any of the following species:*

20 (A) *An endangered species, threatened species, or candidate*
 21 *species pursuant to Chapter 1.5 (commencing with Section 2050)*
 22 *of Division 3.*

23 (B) *A fully protected species pursuant to Section 3511, 4700,*
 24 *5050, or 5515.*

25 (C) *A species protected by Section 3503, 3503.5, or 3513.*

26 (D) *A specially protected species pursuant to Section 4800.*

27 (i)

28 (j) The adjustment of the base fees pursuant to Section 713 that
 29 is specified in subdivisions (b), (d), and (e) shall be applicable to
 30 permits issued on or after January 1, 1991.

31 (j)

32 (k) The department shall adjust the amount of the fees specified
 33 in subdivisions (b), (d), and (e) as necessary, to fully recover, but
 34 not exceed, all reasonable administrative and implementation costs
 35 of the department and the commission relating to those permits.

36 ~~SEC. 12. Section 1020 is added to the Fish and Game Code,~~
 37 ~~to read:~~

38 ~~1020. The department shall develop and adopt a method to~~
 39 ~~impose and collect entry pass fees for visitors who are engaging~~
 40 ~~in nonconsumptive uses at state wildlife refuges and other lands~~

1 managed by the department that are open to the public. Where, in
2 the determination of the department, it is feasible and cost effective,
3 the department shall make entry passes available for purchase
4 onsite, and shall also modify its online processes for purchase of
5 entry passes and warden stamps to make these systems
6 user-friendly for nonconsumptive users. As used in this section,
7 “nonconsumptive uses” means compatible uses other than hunting
8 or fishing.

9 *SEC. 14. Section 1020 is added to the Fish and Game Code,*
10 *to read:*

11 *1020. (a) The department and the commission shall develop*
12 *a strategic plan to implement proposals arising from any of the*
13 *following:*

14 *(1) The strategic vision developed and submitted to the Governor*
15 *and the Legislature pursuant to Section 12805.3 of the Government*
16 *Code.*

17 *(2) Any legislation enacted relating to the strategic vision*
18 *process.*

19 *(3) The department’s own proposals for reform.*

20 *(b) (1) The department and the commission may contract for*
21 *consultants to assist in the preparation of the strategic plan*
22 *pursuant to subdivision (a).*

23 *(2) Contracts entered into pursuant to paragraph (1) shall*
24 *terminate no later than December 31, 2015.*

25 *(3) Contracts entered into pursuant to paragraph (1) shall be*
26 *exempt from Part 2 (commencing with Section 10100) of Division*
27 *2 of the Public Contract Code.*

28 ~~SEC. 13.~~

29 *SEC. 15. Section 1065 is added to the Fish and Game Code,*
30 *to read:*

31 *1065. The department, by January 1, 2015, shall modify its*
32 *Automated License Data System to include information on all*
33 *violations of this code and regulations adopted pursuant to this*
34 *code. The department, by January 1, 2015, shall modify electronic*
35 *field equipment utilized by fish and game wardens to give fish and*
36 *game wardens access to Automated License Data System*
37 *information in the field.*

38 *SEC. 16. Article 7 (commencing with Section 1225) is added*
39 *to Chapter 3 of Division 2 of the Fish and Game Code, to read:*

1 *Article 7. Nonprofit Partnerships*

2
3 *1225. All moneys collected or received from gifts or bequests,*
4 *or from municipal or county appropriations or donations for*
5 *purposes relating to conservation programs, projects, and activities*
6 *by the department shall be deposited in the State Treasury to the*
7 *credit of the Fish and Game Preservation Fund. All moneys*
8 *deposited pursuant to this section shall be used for purposes*
9 *relating to conservation programs, projects, and activities by the*
10 *department.*

11 *1226. (a) The department may enter into one or more*
12 *agreements to accept funds from any person, nonprofit*
13 *organization, or other public or private entity for purposes relating*
14 *to conservation programs, projects, and activities by the*
15 *department. Any funds received pursuant to this section shall be*
16 *deposited in the Fish and Game Preservation Fund. The funds*
17 *received shall supplement existing resources for purposes relating*
18 *to conservation programs, projects, and activities by the*
19 *department.*

20 *(b) The department may enter into one or more agreements to*
21 *accept services from any person, nonprofit organization, or other*
22 *public or private entity for purposes relating to conservation*
23 *programs, projects, and activities by the department. Under the*
24 *direction of the department, these services shall supplement*
25 *existing staff resources. Agreements for services for the*
26 *management and operation of department-managed lands shall*
27 *be subject to the provisions of Section 1745.*

28 *1227. Notwithstanding any other provision of law, the*
29 *department may enter into one or more agreements with any*
30 *person, nonprofit organization, or other public or private entity,*
31 *as may be appropriate, to assist the department in its efforts to*
32 *secure long-term private funding sources for purposes relating to*
33 *conservation programs, projects, and activities by the department.*
34 *The authority to enter into agreements for the purposes of this*
35 *section shall include, but not be limited to, for the purposes of*
36 *securing donations, memberships, corporate and individual*
37 *sponsorships, and marketing and licensing agreements.*

38 *SEC. 17. Section 1617 is added to the Fish and Game Code,*
39 *to read:*

1 1617. (a) In any agreement issued pursuant to subdivision (a)
2 of Section 1602 the department may authorize the incidental take
3 of any species, as defined in subdivision (b), if the department
4 determines that the take of the species is reasonably necessary to
5 complete the project or will facilitate the protection of affected
6 fish or wildlife resources by the project. The department may
7 impose terms and conditions on the take of a species authorized
8 pursuant to this section.

9 (b) For the purposes of this section, species means a species
10 that is not any of the following species:

11 (1) An endangered species, threatened species, or candidate
12 species pursuant to Chapter 1.5 (commencing with Section 2050)
13 of Division 3.

14 (2) A fully protected species pursuant to Section 3511, 4700,
15 5050, or 5515.

16 (3) A species protected by Section 3503, 3503.5, or 3513.

17 (4) A specially protected species pursuant to Section 4800.

18 SEC. 18. Section 1803 is added to the Fish and Game Code,
19 to read:

20 1803. (a) When the department serves as the lead or
21 responsible agency or in connection with the department's
22 consultations with the lead and responsible agencies pursuant to
23 the California Environmental Quality Act (Division 13
24 (commencing with Section 21000) of the Public Resources Code),
25 the department may authorize, in writing, the incidental take of
26 any species, as defined in subdivision (b), if the department
27 determines that the take of the species is reasonably necessary to
28 complete the project to be approved by the lead or responsible
29 agency or will facilitate the mitigation measures imposed on the
30 project by the lead or responsible agency. The department may
31 impose terms and conditions on the take of a species authorized
32 pursuant to this section.

33 (b) For the purposes of this section, species means a species
34 that is not any of the following species:

35 (1) An endangered species, threatened species, or candidate
36 species pursuant to Chapter 1.5 (commencing with Section 2050)
37 of Division 3.

38 (2) A fully protected species pursuant to Section 3511, 4700,
39 5050, or 5515.

40 (3) A species protected by Section 3503, 3503.5, or 3513.

1 (4) A specially protected species pursuant to Section 4800.

2 SEC. 19. Section 2068 of the Fish and Game Code is amended
3 to read:

4 2068. "Candidate species" means a native species or subspecies
5 of a bird, mammal, fish, amphibian, reptile, or plant that the
6 commission *or, after January 1, 2013, the department*, has formally
7 noticed as being under review by the department for addition to
8 either the list of endangered species or the list of threatened species,
9 or a species for which the commission has published a notice of
10 proposed regulation to add the species to either list.

11 SEC. 20. Section 2070 of the Fish and Game Code is amended
12 to read:

13 2070. ~~The commission~~ *department* shall establish a list of
14 endangered species and a list of threatened species. The
15 ~~commission~~ *department* shall add or remove species from either
16 list if it finds, upon the receipt of sufficient scientific information
17 pursuant to this article, that the action is warranted.

18 SEC. 21. Section 2071 of the Fish and Game Code is amended
19 to read:

20 2071. ~~The commission~~ *department* shall adopt guidelines by
21 which an interested person may petition the ~~commission~~
22 *department* to add a species to, or to remove a species from either
23 the list of endangered or the list of threatened species.

24 SEC. 22. Section 2071.5 of the Fish and Game Code is amended
25 to read:

26 2071.5. The department shall ~~recommend, and the commission~~
27 ~~shall adopt,~~ *adopt* criteria for determining if a species is endangered
28 or threatened.

29 SEC. 23. Section 2072.7 of the Fish and Game Code is amended
30 to read:

31 2072.7. The department may, in the absence of a petition from
32 an interested party, ~~recommend to the commission that it prepare~~
33 ~~its own petition~~ *to add a species to, or remove a species from, either*
34 *the list of endangered species or the list of threatened species. If*
35 ~~it makes a recommendation the department prepares its own~~
36 ~~petition~~ *under this section, the department shall include the*
37 *information specified in Section 2072.3. A department*
38 ~~recommendation under this section shall be considered by the~~
39 ~~commission as a petition with a departmental recommendation to~~
40 ~~accept and consider~~ *prepared pursuant to this section shall be*

1 *considered* as described in subdivision (b) of Section 2073.5, and
2 is subject to Sections 2074 to 2079, inclusive.

3 *SEC. 24. Section 2073 of the Fish and Game Code is amended*
4 *to read:*

5 2073. Within 10 days of the receipt of a petition from an
6 interested person under Section 2072.3, ~~the commission~~ *director*
7 shall refer the petition to the *appropriate staff* within the department
8 *for evaluation.*

9 *SEC. 25. Section 2073.3 of the Fish and Game Code is amended*
10 *to read:*

11 2073.3. (a) ~~The commission~~ *department* shall publish a notice
12 in the California Regulatory Notice Register of the receipt of a
13 petition prepared pursuant to Section 2072.3 by the department,
14 or by an interested party and referred to the department, pursuant
15 to Section 2073, or the commencement of an evaluation, to add a
16 species to, remove a species from, or change the status of a species
17 on, the list of endangered species or the list of threatened species
18 pursuant to Section 2072.7. At a minimum, the notice shall include
19 all of the following:

- 20 (1) The scientific and common name of the species.
21 (2) Habitat type, if that information is available in the petition.
22 (3) The location where interested persons can submit information
23 to the department relating to the petitioned species.

24 (b) ~~The commission~~ *department* shall notify interested persons
25 pursuant to Section 2078, by mail, of the notices prepared pursuant
26 to subdivision (a), and shall mail a copy of the notice to those
27 persons.

28 *SEC. 26. Section 2073.5 of the Fish and Game Code is amended*
29 *to read:*

30 2073.5. (a) Within 90 days of receipt of the petition, the
31 department shall evaluate the petition on its face and in relation
32 to other relevant information the department possesses or receives,
33 ~~and submit to the commission its~~ *prepare a* written evaluation
34 report with one of the following recommendations ~~to the~~
35 ~~commission:~~

- 36 (1) Based upon the information contained in the petition, there
37 is not sufficient information to indicate that the petitioned action
38 may be warranted, and the petition should be rejected.

1 (2) Based upon the information contained in the petition, there
2 is sufficient information to indicate that the petitioned action may
3 be warranted, and the petition should be accepted and considered.

4 (b) ~~Upon the request of the director, the commission~~ *The*
5 *director* may grant ~~the department~~ an extension of time, not to
6 exceed 30 days, to allow the department additional time to further
7 analyze and evaluate the petition and complete its evaluation report.

8 (c) The department's evaluation report shall include copies of,
9 or a list of, all information submitted to the department pursuant
10 to subdivision (a) of Section 2073.4 during its evaluation of the
11 petition. If copies are not included, the report shall state where the
12 listed information is available for review.

13 *SEC. 27. Section 2073.7 of the Fish and Game Code is amended*
14 *to read:*

15 2073.7. A petitioner may amend a petition at any time prior to
16 the beginning of the meeting held by the ~~commission~~ *department*
17 pursuant to Section 2074.2. However, if the ~~commission~~
18 *department* determines that the amendment is substantive, the
19 ~~commission~~ *department* shall ~~resubmit the petition to the~~
20 ~~department for further review~~ *the petition* pursuant to Section
21 2073.5, publish notice of the amendment pursuant to Section
22 2073.3, and renote or continue any hearing scheduled pursuant
23 to Section 2074 in order to provide adequate opportunity for public
24 comment.

25 *SEC. 28. Section 2074 of the Fish and Game Code is amended*
26 *to read:*

27 2074. The ~~commission~~ *department* shall schedule the petition
28 for consideration at ~~its next available~~ *a public* meeting, but not
29 sooner than 30 days after receipt of the petition and public release
30 of the evaluation report, and distribute its pending agenda to
31 interested persons pursuant to Section 2078. The ~~commission~~
32 *department* also shall make the petition, evaluation report, and
33 other materials received available for review.

34 *SEC. 29. Section 2074.2 of the Fish and Game Code is amended*
35 *to read:*

36 2074.2. (a) At the ~~scheduled~~ meeting *scheduled pursuant to*
37 *Section 2074*, the ~~commission~~ *director or the director's designee*
38 shall ~~consider~~ *hold a public hearing on* the petition, ~~the~~
39 ~~department's written report, and comments received, and the~~
40 ~~commission shall make and enter in its public record one of the~~

1 ~~following findings:~~ and shall receive information, written or
2 otherwise, and oral testimony. After the conclusion of oral
3 testimony from department staff, the petitioner, or any other
4 persons, the department may close the public hearing and
5 administrative record for the department's decision pursuant to
6 this section.

7 (b) After the department closes the public hearing, the
8 administrative record for the department's decision is closed and
9 it shall not be reopened except as provided in subdivision (c). Once
10 the public hearing is closed no person shall submit further
11 information to the department for consideration on that petition
12 and the department shall not accept any further information for
13 consideration on that petition except as provided in subdivision
14 (c).

15 (c) The administrative record for the department's decision
16 pursuant to this section shall not be reopened once the department
17 closes the public hearing unless one of the following occurs prior
18 to the department's decision:

19 (1) There is a change in state or federal law or regulation that
20 has a direct and significant impact on the department's
21 determination as to whether the petition provides sufficient
22 information to indicate that the petitioned action may be warranted.

23 (2) The department determines that it requires further
24 information to evaluate whether the petition provides sufficient
25 information to indicate that the petitioned action may be warranted.
26 If the department makes that determination during its deliberation,
27 the department may request, on the record at the scheduled meeting
28 or at a continued meeting, further information on any issue relevant
29 to making its determination as to whether the petition provides
30 sufficient information to indicate that the petitioned action may
31 be warranted. Any request by the department pursuant to this
32 paragraph shall specify a date by which the information must be
33 submitted to the department and shall serve to reopen the
34 administrative record for the limited purpose of receiving further
35 information relating to the issues specified by the department in
36 the request. Department staff, the petitioner, or any other person
37 may submit information in response to a request pursuant to this
38 paragraph.

39 (d) Within 90 days of the meeting scheduled pursuant to Section
40 2074, the department shall consider the petition, the department's

1 *written report, written comments received, and oral testimony*
 2 *provided during the public hearing, and the department shall make*
 3 *and publish in the California Regulatory Notice Register one of*
 4 *the following findings:*

5 (1) If the ~~commission~~ *department* finds that the petition does
 6 not provide sufficient information to indicate that the petitioned
 7 action may be warranted, the ~~commission~~ *department* shall publish
 8 a notice of finding that the petition is rejected, including the reasons
 9 why the petition is not sufficient.

10 (2) If the ~~commission~~ *department* finds that the petition provides
 11 sufficient information to indicate that the petitioned action may
 12 be warranted, the ~~commission~~ *department* shall publish a notice
 13 of finding that the petition is accepted for consideration. If the
 14 accepted petition recommends the addition of a species to either
 15 the list of endangered species or the list of threatened species, the
 16 ~~commission~~ *department* shall include in the notice that the
 17 petitioned species is a candidate species. The ~~commission~~
 18 *department* shall maintain a list of species which are candidate
 19 species.

20 ~~(b)~~
 21 (e) The ~~commission~~ *department* shall publish and distribute the
 22 findings relating to the petition pursuant to Section 2078.

23 *SEC. 30. Section 2074.4 of the Fish and Game Code is amended*
 24 *to read:*

25 2074.4. If a petition is accepted by the ~~commission~~ *department*
 26 for consideration, all reasonable attempts shall be made to notify
 27 affected and interested parties and to solicit data and comments
 28 on the petitioned action from as many persons as is practicable.
 29 In addition to ~~commission~~ *department* efforts to provide
 30 notification through distribution of the ~~commission~~ agenda and
 31 minutes pursuant to Section 2078, the department shall immediately
 32 undertake efforts to notify affected and interested parties. Methods
 33 of notification may include, but are not limited to, correspondence,
 34 newspaper notices, and press releases, and notification shall include
 35 notice to owners of that land which may provide habitat essential
 36 to the continued existence of the species, unless the director
 37 determines that ownership is so widespread, fragmented, or
 38 complex as to make individual notice impractical.

39 *SEC. 31. Section 2074.6 of the Fish and Game Code is amended*
 40 *to read:*

1 2074.6. The department shall promptly commence a review of
2 the status of the species concerned in the petition. Within 12
3 months of the date of publication of a notice of acceptance of a
4 petition for consideration ~~by the commission~~ pursuant to paragraph
5 (2) of subdivision ~~(a)~~ (d) of Section 2074.2, the department shall
6 ~~provide~~ *produce and make publicly available on the department's*
7 *Internet Web site* a written *peer reviewed* report ~~to the commission~~,
8 based upon the best scientific information available to the
9 department, which indicates whether the petitioned action is
10 warranted, which includes a preliminary identification of the habitat
11 that may be essential to the continued existence of the species, and
12 which recommends management activities and other
13 recommendations for recovery of the species. *The department shall*
14 *amend the draft status review report as appropriate to incorporate*
15 *scientific information from the independent peer review. The*
16 *revised report shall be posted on the department's Internet Web*
17 *site for a minimum of 30 days for public review prior to the hearing*
18 *scheduled pursuant to Section 2075. An extension of up to six*
19 *months time may be granted if the director determines an extension*
20 *is necessary to complete independent peer review of the report,*
21 *and to provide a minimum of 30 days for public review of the peer*
22 *reviewed report prior to the public hearing specified in Section*
23 *2075.*

24 *SEC. 32. Section 2074.8 of the Fish and Game Code is amended*
25 *to read:*

26 2074.8. Nothing in this article imposes any duty or obligation
27 for, or otherwise requires, the commission or the department to
28 undertake independent studies or other assessments of any species
29 when reviewing a petition and its attendant documents and
30 comments. *However, the department shall seek independent*
31 *scientific peer review of the department's status report. The*
32 *director may approve an extension of time for completion of the*
33 *status report if necessary for the purposes of obtaining independent*
34 *peer review pursuant to Section 2074.6. The Independent Scientific*
35 *Advisory Panel established pursuant to Section 715 may assist the*
36 *department in identifying appropriate nondepartment scientists*
37 *with expertise in the species being considered for listing to provide*
38 *independent peer review.*

39 *SEC. 33. Section 2075 of the Fish and Game Code is amended*
40 *to read:*

1 2075. The ~~commission~~ department shall schedule the petition
2 for final consideration at its next available a public meeting within
3 30 days after receipt of closure of the public comment period on
4 the departmental report provided pursuant to Section 2074.6 and
5 shall distribute the pending agenda for that meeting pursuant to
6 Section 2078. The ~~commission~~ department shall make the
7 department's report, or copies thereof, which was provided,
8 pursuant to Section 2074.6, available for review upon request.

9 SEC. 34. Section 2075.5 of the Fish and Game Code is amended
10 to read:

11 2075.5. (a) At the meeting scheduled pursuant to Section
12 2075, the ~~commission~~ shall make one of the following findings:
13 director or the director's designee shall hold a public hearing on
14 the petition and shall receive information, written or otherwise,
15 and oral testimony. After the conclusion of oral testimony from
16 department staff, the petitioner, or any other persons, the
17 department may close the public hearing and the administrative
18 record for the department's decision pursuant to this section.

19 (b) After the department closes the public hearing the
20 administrative record for the department's decision is closed and
21 it shall not be reopened except as provided in subdivision (c). Once
22 the public hearing is closed no person shall submit further
23 information to the department for consideration on that petition
24 and the department shall not accept any further information for
25 consideration on that petition except as provided in subdivision
26 (c).

27 (c) The administrative record for the department's decision
28 pursuant to this section shall not be reopened once the department
29 closes the public hearing unless one of the following occurs prior
30 to the department's decision:

31 (1) There is a change in state or federal law or regulation that
32 has a direct and significant impact on the department's
33 determination as to whether the petition provides sufficient
34 information to indicate that the petitioned action may be warranted.

35 (2) The department determines that it requires further
36 information to evaluate whether the petition provides sufficient
37 information to indicate that the petitioned action may be warranted.
38 If the department makes that determination during its deliberation,
39 the department may request, on the record at the scheduled meeting
40 or at a continued meeting, further information on any issue relevant

1 to making its determination as to whether the petition provides
2 sufficient information to indicate that the petitioned action may
3 be warranted. Any request by the department pursuant to this
4 paragraph shall specify a date by which the information must be
5 submitted to the department and shall serve to reopen the
6 administrative record for the limited purpose of receiving further
7 information relating to the issues specified by the department in
8 the request. Department staff, the petitioner, or any other person
9 may submit information in response to a request pursuant to this
10 paragraph.

11 (d) Within 90 days of the meeting scheduled pursuant to Section
12 2075 the department shall consider the petition, the department's
13 written report, written comments received, and oral testimony
14 provided during the public hearing, and the department shall make
15 and publish in the California Regulatory Notice Register one of
16 the following findings:

17 (1) The petitioned action is not warranted, in which case the
18 finding shall be entered in the public records of the ~~commission~~
19 department and the petitioned species shall be removed from the
20 list of candidate species maintained pursuant to Section 2074.2.

21 (2) The petitioned action is warranted, in which case the
22 ~~commission~~ department shall publish a notice of that finding and
23 a notice of proposed rulemaking pursuant to Section 11346.4 of
24 the Government Code to add the species to, or remove the species
25 from, the list of endangered species or the list of threatened species.
26 Further proceedings of the ~~commission~~ department on the
27 petitioned action shall be made in accordance with Chapter 3.5
28 (commencing with Section 11340) of Part 1 of Division 3 of Title
29 2 of the Government Code.

30 SEC. 35. Section 2076.5 of the Fish and Game Code is amended
31 to read:

32 2076.5. Notwithstanding Sections 2071 to 2075.5, inclusive,
33 the ~~commission~~ department may adopt a regulation which adds a
34 species to the list of endangered species or to the list of threatened
35 species as an emergency regulation pursuant to Article 1.5
36 (commencing with Section 240) to Chapter 2 of Division 1 if the
37 ~~commission~~ department finds that there is any emergency posing
38 a significant threat to the continued existence of the species. The
39 ~~commission~~ department shall notify affected or interested persons

1 of the adoption of such an emergency regulation pursuant to the
2 methods described in Section 2074.4.

3 *SEC. 36. Section 2077 of the Fish and Game Code is amended*
4 *to read:*

5 2077. (a) The department shall review species listed as an
6 endangered species or as a threatened species every five years to
7 determine if the conditions that led to the original listing are still
8 present. The review shall be conducted based on information which
9 is consistent with the information specified in Section 2072.3 and
10 which is the best scientific information available to the department.
11 The review shall include a review of the identification of the habitat
12 that may be essential to the continued existence of the species and
13 the department's recommendations for management activities and
14 other recommendations for recovery of the species. The department
15 shall notify any person who has notified the ~~commission~~
16 *department*, in writing with their address, of their interest, and the
17 department may notify any other person.

18 (b) Review of species that are listed by both the *commission or*
19 *the department* and the United States Department of Interior will
20 be conducted in conjunction with the five-year review process of
21 the United States Department of Interior.

22 (c) Initial review of those species listed by the *commission*
23 before January 1, 1982, that are not listed by the federal
24 government shall be undertaken and completed by July 1, 1987.
25 Initial review of those species listed by the *commission or the*
26 *department* after January 1, 1982, that are not listed by the federal
27 government shall be undertaken and completed within five years
28 of the date the species was originally listed by the *commission or*
29 *the department*.

30 (d) Notwithstanding any other provision of this section, ~~the~~
31 ~~commission or the department~~ may review a species at any time
32 based upon a petition or upon other data available to the department
33 ~~and the commission~~.

34 (e) The department shall report in writing ~~to the commission~~
35 *and make publicly available* the results of its five-year review for
36 each listed species. ~~The commission department~~ shall treat any
37 report of the department under this subdivision which contains a
38 recommendation to add a species to, or remove a species from,
39 the list of endangered species or the list of threatened species as a
40 department recommendation submitted pursuant to Section 2072.7.

1 *SEC. 37. Section 2078 of the Fish and Game Code is amended*
2 *to read:*

3 2078. (a) To provide all interested persons access to
4 information and notification of pending listing or delisting actions,
5 ~~the commission~~ *department* shall distribute the related agenda of
6 pending actions and those portions of its minutes of actions taken
7 under this article to any individuals who have notified the
8 ~~commission~~ *department*, in writing with their address, of their
9 interest. This notification shall be published in the California
10 Regulatory Notice Register and shall meet the requirements of
11 public notice as required for ~~commission~~ *department* action under
12 Section 2073.3, 2074, 2074.2, 2075, or 2077.

13 (b) ~~The commission~~ *department* may impose an annual fee on
14 those persons who request inclusion on the list to be notified in
15 order to offset the cost of establishing and maintaining the list, and
16 preparing and mailing the notices. Fees received pursuant to this
17 section shall be deposited in the Fish and Game Preservation Fund.

18 *SEC. 38. Section 2079 of the Fish and Game Code is amended*
19 *to read:*

20 2079. The department shall, by January 30 of every third year,
21 beginning January 30, 1986, prepare a report summarizing the
22 status of all state listed endangered, threatened, and candidate
23 species, and shall submit the report to ~~the commission~~, the
24 Legislature, the Governor, and all individuals who have notified
25 ~~the commission~~ *department*, in writing with their address, of their
26 interest. This report shall include, but not be limited to, a listing
27 of those species designated as endangered, threatened, and
28 candidate species, a discussion of the current status of endangered,
29 threatened, or candidate species, and the timeframes for the review
30 of listed species pursuant to this article.

31 *SEC. 39. Section 2080 of the Fish and Game Code is amended*
32 *to read:*

33 2080. No person shall import into this state, export out of this
34 state, or take, possess, purchase, or sell within this state, any
35 species, or any part or product thereof, that the commission *or*
36 *after January 1, 2013, the department* determines to be an
37 endangered species or a threatened species, or attempt any of those
38 acts, except as otherwise provided in this chapter, the Native Plant
39 Protection Act (Chapter 10 (commencing with Section 1900) of
40 this code), or the California Desert Native Plants Act (Division 23

1 (commencing with Section 80001) of the Food and Agricultural
2 Code).

3 *SEC. 40. Section 2081.2 is added to the Fish and Game Code,*
4 *to read:*

5 *2081.2. (a) In any permit or memorandum of understanding*
6 *issued pursuant to subdivision (a) or (b) of Section 2081, the*
7 *department may authorize the incidental take of any species, as*
8 *defined in subdivision (b), if the department determines that the*
9 *take of the species is reasonably necessary to complete the project*
10 *or will facilitate the minimization and full mitigation of the*
11 *incidental take of endangered species, threatened species, or*
12 *candidate species resulting from the project. The department may*
13 *impose terms and conditions on the take of a species authorized*
14 *pursuant to this section.*

15 *(b) For the purposes of this section, species means a species*
16 *that is not any of the following species:*

17 *(1) An endangered species, threatened species, or candidate*
18 *species pursuant to Chapter 1.5 (commencing with Section 2050)*
19 *of Division 3.*

20 *(2) A fully protected species pursuant to Section 3511, 4700,*
21 *5050, or 5515.*

22 *(3) A species protected by Section 3503, 3503.5, or 3513.*

23 *(4) A specially protected species pursuant to Section 4800.*

24 *SEC. 41. Section 2082 of the Fish and Game Code is amended*
25 *to read:*

26 *2082. This chapter does not prohibit the sale of any endangered*
27 *species or threatened species, or any part or product thereof, when*
28 *the owner can demonstrate that the species, or part or product*
29 *thereof, was in the person's possession before the date upon which*
30 *the commission or after January 1, 2013, the department listed*
31 *the species as an endangered species or threatened species or as*
32 *an endangered animal or rare animal prior to January 1, 1985, and*
33 *shall not prohibit the sale of that part or product by an individual*
34 *not normally engaged in that sale if it was originally possessed by*
35 *the seller for the seller's own use and so used by that seller.*
36 *However, it shall be unlawful to sell any species, or part or product*
37 *thereof, if that sale would have been unlawful prior to the date*
38 *upon which the commission added the species to the listing of*
39 *endangered species or threatened species or to the listing of*
40 *endangered animals or rare animals prior to January 1, 1985.*

1 *SEC. 42. Section 2084 of the Fish and Game Code is amended*
2 *to read:*

3 2084. ~~The commission~~ *department* may authorize, subject to
4 terms and conditions it prescribes, the taking of any candidate
5 species, or the taking of any fish by hook and line for sport that is
6 listed as an endangered, threatened, or candidate species.

7 ~~SEC. 14.~~

8 *SEC. 43. Section 2089.4 of the Fish and Game Code is amended*
9 *to read:*

10 2089.4. As used in this article, the following definitions apply:

11 (a) “Agreement” means a state safe harbor agreement approved
12 by the department pursuant to this article. “Agreement” includes
13 an agreement with an individual landowner and a programmatic
14 agreement.

15 (b) “Baseline conditions” means the existing estimated
16 population size, the extent and quality of habitat, or both population
17 size and the extent and quality of habitat, for the species on the
18 land to be enrolled in the agreement that sustain seasonal or
19 permanent use by the covered species. Baseline conditions shall
20 be determined by the department, in consultation with the applicant,
21 and shall be based on the best available science and objective
22 scientific methodologies. For purposes of establishing baseline
23 conditions, a qualified person that is not employed by the
24 department may conduct habitat surveys, if that person has
25 appropriate species expertise and has been approved by the
26 department.

27 (c) “Department” means the Department of Fish and Wildlife
28 *Conservation*, acting through its director or his or her designee.

29 (d) “Landowner” means any person or nonstate or federal entity
30 or entities that lawfully hold any interest in land or water to which
31 they are committing to implement the requirements of this article.

32 (e) “Management actions” means activities on the enrolled land
33 or water that are reasonably expected by the department to provide
34 a net benefit to the species or their habitat, or both.

35 (f) “Monitoring program” means a program established or
36 approved by the department in accordance with subdivision (f) of
37 Section 2089.6.

38 (g) “Net conservation benefit” means the cumulative benefits
39 of the management activities identified in the agreement that
40 provide for an increase in a species’ population or the enhancement,

1 restoration, or maintenance of covered species' suitable habitats
2 within the enrolled property. Net conservation benefit shall take
3 into account the length of the agreement, any offsetting adverse
4 effects attributable to the incidental taking allowed by the
5 agreement, and other mutually agreed upon factors. Net
6 conservation benefits shall be sufficient to contribute either directly
7 or indirectly to the recovery of the covered species. These benefits
8 include, but are not limited to, reducing fragmentation and
9 increasing the connectivity of habitats, maintaining or increasing
10 populations, enhancing and restoring habitats, and buffering
11 protected areas.

12 (h) "Programmatic agreement" means a state safe harbor
13 agreement issued to a governmental or nongovernmental program
14 administrator. The program administrator for a programmatic
15 agreement shall work with landowners and the department to
16 implement the agreement. The program administrator and the
17 department shall be responsible for ensuring compliance with the
18 terms of the agreement.

19 (i) "Qualified person" means a person with species expertise
20 who has been approved by the department.

21 (j) "Return to baseline" means, at the termination of an
22 agreement, activities undertaken by the landowner to return the
23 species population or extent or quality of habitat to baseline,
24 excluding catastrophic events such as floods, unplanned fires, or
25 earthquakes, and other factors mutually agreed upon prior to permit
26 issuance and that are beyond the control of the landowner.

27 *SEC. 44. Section 2090 is added to the Fish and Game Code,*
28 *to read:*

29 *2090. (a) The Legislature finds and declares all of the*
30 *following:*

31 *(1) The provisions of this chapter require applicants for*
32 *incidental take permits pursuant to subdivision (b) of Section 2081*
33 *to ensure that all impacts to endangered, threatened, and candidate*
34 *species listed pursuant to this chapter are minimized and fully*
35 *mitigated.*

36 *(2) The provisions of Chapter 10 (commencing with Section*
37 *2880) of Division 3 require natural community conservation plans*
38 *to provide for the protection of habitat for covered species, natural*
39 *communities, and species diversity on a landscape or ecosystem*

1 level through the creation and long-term management of habitat
2 reserves.

3 (3) The provisions of Chapter 6 (commencing with Section 1600)
4 of Division 2 require persons performing activities covered by that
5 chapter that may substantially adversely affect an existing fish or
6 wildlife resource to perform reasonable measures to protect the
7 affected resources, including providing compensatory mitigation
8 in the form of fish and wildlife habitat.

9 (4) To satisfy the full mitigation standard of this chapter, the
10 conservation standard of Chapter 10 (commencing with Section
11 2880) of Division 3, and the resource protection requirements of
12 Chapter 6 (commencing with Section 1600) of Division 2,
13 applicants must typically provide for permanent or long-term
14 protection of habitat lands for mitigation and conservation
15 purposes.

16 (5) Although the approval of projects on previously designated
17 mitigation lands is generally inconsistent with the Legislature's
18 desire for the permanent management of mitigation lands to fulfill
19 their intended purpose, federal agencies cannot always ensure
20 permanent or long-term restrictions on the use of lands designated
21 as mitigation land due to unforeseen circumstances and needs,
22 existing statutory or regulatory limitations, or because doing so
23 would impermissibly predetermine the course of public
24 decisionmaking processes.

25 (6) To ensure that the mitigation and conservation purposes of
26 mitigation lands are not compromised when federal, state, or local
27 public agencies approve projects on previously designated
28 mitigation lands that are incompatible with those purposes, it is
29 necessary to have available other mechanisms for ensuring the
30 permanent or long-term protection of the habitat values protected
31 by those mitigation lands.

32 (7) Additive mitigation, as defined in paragraph (1) of
33 subdivision (b), requires project proponents seeking to develop
34 projects on mitigation land to make whole the state's affected fish,
35 wildlife, and plant resources by both replacing the habitat lost as
36 a result of the previous project for which the mitigation land served
37 as mitigation and the habitat lost as a result of the development
38 of the mitigation land itself.

39 (8) Additive mitigation further requires the project proponent
40 to provide an additional mitigation increment, equal to 20 percent

1 of the acreage necessary to make whole the state's affected
2 resources, as a deterrent to the development of projects on
3 mitigation lands.

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

5 (1) "Additive mitigation" means suitable habitat for affected
6 endangered, threatened, and candidate species listed pursuant to
7 this chapter, covered species included as part of a reserve under
8 a proposed or approved natural community conservation plan
9 pursuant to Chapter 10 (commencing with Section 2800) of
10 Division 3, or species affected by activities covered by Chapter 6
11 (commencing with Section 1600) of Division 2, that is of equivalent
12 or better quality than the habitat on the affected mitigation lands,
13 in an amount equivalent to the sum of the following:

14 (A) The number of acres of mitigation land affected by the
15 project, to compensate for the loss of habitat resulting from the
16 previous project for which the mitigation land served as mitigation.

17 (B) The number of acres necessary to fully mitigate for the loss
18 of the affected mitigation land in light of the habitat values of that
19 land, to compensate for the loss of the mitigation land itself as
20 habitat.

21 (C) The number of acres equal to 20 percent of the total acres
22 required by subparagraphs (A) and (B).

23 (2) "Mitigation land" means any land used to satisfy any
24 mitigation or conservation requirements relating to adverse
25 impacts to or take of endangered, threatened, and candidate
26 species listed pursuant to this chapter, covered species included
27 as part of a reserve under a proposed or approved natural
28 community conservation plan pursuant to Chapter 10 (commencing
29 with Section 2800) of Division 3, or species affected by activities
30 covered by Chapter 6 (commencing with Section 1600) of Division
31 2. For purposes of this section, "mitigation land" includes only
32 federal lands that the United States Bureau of Land Management
33 has both designated as an Area of Critical Environmental Concern
34 under the Federal Land Policy and Management Act of 1976, 43
35 U.S.C. Sec. 1701 et seq., and enrolled as part of the National
36 Landscape Conservation System pursuant to 16 U.S.C. Sec. 7202
37 et seq.

38 (3) "Project proponent" means any state or local agency or
39 person proposing to carry out a project.

1 (4) “Project” means any activity on or affecting existing
2 mitigation land that will cause adverse impacts to or take of
3 endangered, threatened, and candidate species listed pursuant to
4 this chapter, covered species included as part of a reserve under
5 a proposed or approved natural community conservation plan
6 pursuant to Chapter 10 (commencing with Section 2800) of
7 Division 3, or species affected by activities covered by Chapter 6
8 (commencing with Section 1600) of Division 2.

9 (c) No state or local agency shall carry out, approve, or fund
10 any project on mitigation land unless it requires, as a condition
11 of carrying out, approving, or funding the project that the project
12 proponent first receives from the department either incidental take
13 authorization pursuant to this chapter or Chapter 10 (commencing
14 with Section 2800) of Division 3, a lake or streambed alteration
15 agreement pursuant to Chapter 6 (commencing with Section 1600)
16 of Division 2, or a written determination that the project will not
17 adversely affect the mitigation land or result in adverse impacts
18 to or take of any endangered, threatened, and candidate species
19 listed pursuant to this chapter, covered species included as part
20 of a reserve under a proposed or approved natural community
21 conservation plan pursuant to Chapter 10 (commencing with
22 Section 2800) of Division 3, or species affected by activities
23 covered by Chapter 6 (commencing with Section 1600) of Division
24 2. Any state or local agency approval or permit issued for a project
25 subject to this section shall be conditional and shall not become
26 effective until the project proponent receives from the department
27 incidental take authorization or a determination of no adverse
28 effect pursuant to this subdivision.

29 (d) No project proponent shall undertake any project on
30 mitigation land unless it first receives from the department either
31 incidental take authorization pursuant to this chapter or Chapter
32 10 (commencing with Section 2800) of Division 3 or a written
33 determination that the project will not adversely affect the
34 mitigation land.

35 (e) The department shall require, as a necessary condition of
36 any incidental take authorization issued pursuant to either this
37 chapter or Chapter 10 (commencing with Section 2880) of Division
38 3 for any project that will occur in whole or in part on mitigation
39 land, that the project proponent provide additive mitigation for
40 all project-related impacts to the mitigation land.

1 (f) *If a project will adversely affect mitigation land included as*
 2 *part of a reserve under a proposed or approved natural community*
 3 *conservation plan pursuant to Chapter 10 (commencing with*
 4 *Section 2880) of Division 3, the department shall require, and the*
 5 *project proponent shall ensure, that the additive mitigation*
 6 *required pursuant to subdivision (e) is located contiguous to, or*
 7 *connected by existing, protected corridors to, lands already*
 8 *protected for mitigation or conservation purposes for the benefit*
 9 *of the species protected by the mitigation lands affected by the*
 10 *project.*

11 ~~SEC. 15.~~

12 SEC. 45. Section 2536 of the Fish and Game Code is amended
 13 to read:

14 2536. (a) It is unlawful for any person to engage in the business
 15 of guiding or packing, or to act as a guide for any consideration
 16 or compensation whatever, without first having secured a guide
 17 license from the department.

18 (b) An employee of a licensee who acts as a guide only in
 19 connection with, and within the scope of, his or her employment
 20 is exempt from the requirement of subdivision (a) if all of the
 21 following conditions are met:

22 (1) If the employment is subject to and the person is reported
 23 to the carrier of the employer’s workers’ compensation insurance.

24 (2) If the person is subject and reported to the state and federal
 25 taxing authorities for withholding of income tax.

26 (3) If the person is reported to the department, on forms provided
 27 by the department, as an employee of the guide prior to any contact
 28 with any person being guided, and a registration fee has been paid.
 29 The base fee for an employee guide registration for the 2004 license
 30 year shall be thirty-three dollars (\$33), which shall be adjusted
 31 annually thereafter pursuant to Section 713.

32 (c) A person who is licensed in another state to provide guide
 33 services for the purposes of fishing is exempt from the requirements
 34 of subdivision (a) if all of the following conditions are met:

35 (1) The state in which the person is licensed grants a similar
 36 exemption to licensed guides who are residents of this state.

37 (2) Evidence of a valid guide license is provided to the
 38 department upon request.

39 (3) The person is engaged in the business of guiding only in
 40 conjunction with and during the term of a multistate fishing

1 tournament approved by the appropriate agency in each of the
2 affected states.

3 (4) The tournament sponsor provides to the department any
4 information or documents necessary to administer and enforce this
5 paragraph, as determined by the department, including, but not
6 limited to, the identities of all guides participating in the
7 tournament, verification of another state's license exemption, and
8 information sufficient to determine the validity of another state's
9 guide licenses.

10 (5) The tournament sponsor pays the department an amount,
11 determined by the department, to be sufficient to cover the
12 department's cost to administer and enforce this subdivision.

13 (6) The net proceeds of the tournament are used for resource
14 management projects or habitat improvement projects, or both.

15 (d) The commission shall adjust the amount of the fees specified
16 in paragraph (3) of subdivision (b), as necessary, to fully recover,
17 but not exceed, all reasonable administrative and implementation
18 costs of the department and the commission relating to those
19 licenses.

20 ~~SEC. 16:~~

21 *SEC. 46.* Section 2540 of the Fish and Game Code is amended
22 to read:

23 2540. (a) The base fee for a guide license issued to a resident
24 is one hundred fifty dollars (\$150).

25 (b) The base fee for a guide license issued to a nonresident is
26 three hundred fifty dollars (\$350).

27 (c) A guide license is valid for the license year beginning on
28 February 1 and ending on January 31 of the succeeding year or, if
29 issued after the beginning of the license year, for the remainder of
30 that license year.

31 (d) The base fees specified in this section are applicable to the
32 2004 license year, and shall be adjusted annually thereafter
33 pursuant to Section 713.

34 (e) The commission shall adjust the amount of the fees specified
35 in subdivisions (a), (b), and (d), as necessary, to fully recover, but
36 not exceed, all reasonable administrative and implementation costs
37 of the department and the commission relating to those licenses.

38 ~~SEC. 17:~~

39 *SEC. 47.* Section 3031.2 of the Fish and Game Code is amended
40 to read:

1 3031.2. (a) In addition to Sections 714 and 3031, and
 2 notwithstanding Section 3037, the department shall issue lifetime
 3 hunting licenses under this section. A lifetime hunting license
 4 authorizes the taking of birds and mammals anywhere in this state
 5 in accordance with the law for purposes other than profit for the
 6 life of the person to whom issued unless revoked for a violation
 7 of this code or regulations adopted under this code. A lifetime
 8 hunting license is not transferable. A lifetime hunting license does
 9 not include any special tags, stamps, or fees.

10 (b) A lifetime hunting license may be issued to residents of this
 11 state, as follows:

12 (1) To a person 62 years of age or over, upon payment of a base
 13 fee of three hundred sixty-five dollars (\$365).

14 (2) To a person 40 years of age or over, and less than 62 years
 15 of age, upon payment of a base fee of five hundred forty dollars
 16 (\$540).

17 (3) To a person 10 years of age or over, and less than 40 years
 18 of age, upon payment of a base fee of six hundred dollars (\$600).

19 (4) To a person less than 10 years of age, upon payment of a
 20 base fee of three hundred sixty-five dollars (\$365).

21 (c) Nothing in this section requires a person less than 16 years
 22 of age to obtain a license to take birds or mammals except as
 23 required by law.

24 (d) Nothing in this section exempts an applicant for a license
 25 from meeting other qualifications or requirements otherwise
 26 established by law for the privilege of sport hunting.

27 (e) The base fees specified in this section are applicable
 28 commencing January 1, 2004, and shall be adjusted annually
 29 thereafter pursuant to Section 713.

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

34 ~~SEC. 48.~~

35 *SEC. 48.* Section 6651 of the Fish and Game Code is amended
 36 to read:

37 6651. (a) A license granting the privilege to harvest kelp or
 38 other aquatic plants shall be issued upon application and the
 39 payment of a fee of one hundred dollars (\$100) to the department.
 40 The license shall be valid from January 1 to December 31,

1 inclusive, or, if issued after the beginning of that term, for the
2 remainder thereof.

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

7 (c) This chapter does not apply to aquatic plants grown on
8 private land or on state water bottoms leased pursuant to Division
9 12 (commencing with Section 15000).

10 ~~SEC. 19.~~

11 *SEC. 49.* Section 7149.8 of the Fish and Game Code is amended
12 to read:

13 7149.8. (a) A person shall not take abalone from ocean waters
14 unless he or she first obtains, in addition to a valid California sport
15 fishing license and any applicable license validation or stamp
16 issued pursuant to this code, an abalone report card, and maintains
17 that report card in his or her possession while taking abalone.

18 (b) The department or an authorized license agent shall issue
19 an abalone report card upon payment of a fee of fifteen dollars
20 (\$15) in the 2004 license year, which shall be adjusted annually
21 thereafter pursuant to Section 713.

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

26 ~~SEC. 20.~~

27 *SEC. 50.* Section 8598.3 of the Fish and Game Code is amended
28 to read:

29 8598.3. (a) The fee for a marine aquaria collector's permit
30 shall be three hundred thirty dollars (\$330).

31 (b) A person engaged in taking, possessing, or landing marine
32 species under a marine aquaria collector's permit shall not take,
33 possess aboard a boat, or land any species under the authority of
34 a scientific collector's permit issued pursuant to Section 1002,
35 5515, or 10660 on the same fishing trip.

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

1 ~~SEC. 21.~~

2 *SEC. 51.* Section 12028 is added to the Fish and Game Code,
3 to read:

4 12028. The Legislature finds and declares that:

5 (a) ~~Egregious poaching~~ *Poaching* violations and other violations
6 of the Fish and Game Code have been increasing, and these
7 violations have a detrimental impact on fish and wildlife and their
8 habitats, which are held in trust by the state for the benefit of the
9 people of the state.

10 (b) ~~In order to facilitate effective enforcement of the Fish and~~
11 ~~Game Code and deter illegal poaching and other violations that~~
12 ~~adversely impact fish and wildlife, it is important that courts be~~
13 ~~provided with up-to-date information on current Fish and Game~~
14 ~~Code prohibitions and penalties that have been enacted by the~~
15 ~~Legislature~~ *the department coordinate with other law enforcement*
16 *entities and the courts to facilitate effective enforcement and*
17 *prosecution of these offenses.*

18 (c) ~~It is therefore the intent of the Legislature to urge the Judicial~~
19 ~~Council to review and update the Uniform Bail and Penalty~~
20 ~~Schedule to include references to additional Fish and Game Code~~
21 ~~provisions not included in the Uniform Bail and Penalty Schedule~~
22 ~~currently.~~

23 (d) ~~It is further the intent of the Legislature that courts in all 58~~
24 ~~counties be informed of the availability of the updated Uniform~~
25 ~~Bail and Penalty Schedules once those are completed.~~

26 (e) *It is the intent of the Legislature that the department be*
27 *encouraged, to the extent feasible and subject to available*
28 *resources, to establish and coordinate an environmental crimes*
29 *task force. The task force should involve the participation of the*
30 *department’s Office of General Counsel working with each of the*
31 *department’s law enforcement districts. The task force may include*
32 *coordination with representatives from the California District*
33 *Attorneys’ Association, the Judicial Council, the Attorney*
34 *General’s office, and the University of California. Objectives of*
35 *the task force may include, but are not limited to, providing*
36 *training, education, and outreach to prosecutors and the courts*
37 *on Fish and Game Code violations and providing other assistance*
38 *as appropriate in the prosecution of environmental crimes.*

39 *SEC. 52.* Section 13014 of the Fish and Game Code is amended
40 to read:

1 13014. (a) There are hereby established, initially in the Special
2 Deposit Fund, continued in existence by Section 16370 of the
3 Government Code, both of the following accounts:

4 (1) The Fish and Game Mitigation and Protection Endowment
5 Principal Account. The department shall deposit in this account
6 the endowment funds received by the department pursuant to an
7 agreement described in subdivision (b) and all earnings generated
8 thereon. ~~The earnings shall be available to the department, upon~~
9 ~~appropriation by the Legislature, to fund~~ *Notwithstanding Section*
10 *13340 of the Government Code, and subject to the limitations*
11 *imposed by subdivision (d) of Section 18504 of the Probate Code,*
12 *the moneys in the account established by this paragraph are hereby*
13 *continuously appropriated to the department for expenditure*
14 *without regard to fiscal years, for the purposes of funding*
15 *long-term management, enhancement, monitoring, and enforcement*
16 *activities on habitat lands in a manner consistent with the terms*
17 *of the underlying agreement.*

18 (2) The Fish and Game Mitigation and Protection Expendable
19 Funds Account. The department shall deposit in this account
20 moneys, received pursuant to an agreement described in
21 subdivision (b), that are not endowment funds and that are
22 designated for expenditure for the purposes described in paragraph
23 (2) of that subdivision. Notwithstanding Section 13340 of the
24 Government Code, the moneys in the account established by this
25 paragraph are hereby continuously appropriated to the department
26 for expenditure without regard to fiscal year, for the purposes
27 described in this section.

28 (b) (1) The department may deposit moneys into the accounts
29 established pursuant to subdivision (a) that it receives pursuant to
30 any of the following, if those moneys are received for the purposes
31 described in paragraph (2):

32 (A) Agreements or permits pursuant to the Natural Communities
33 Conservation Planning Act (Chapter 10 (commencing with Section
34 2800) of Division 3).

35 (B) Conservation bank agreements.

36 (C) Habitat conservation implementation agreements.

37 (D) Incidental take permits.

38 (E) Legal or other written settlements.

39 (F) Mitigation agreements.

40 (G) Streambed or lakebed alteration agreements.

1 (H) Trust agreements.

2 (2) The department may deposit the moneys received pursuant
3 to an agreement described in paragraph (1) in an account
4 established by this section only if it receives those moneys for at
5 least one of the following purposes:

6 (A) Mitigating the adverse biological impacts of a specific
7 project, activity, spill, or release.

8 (B) Protecting, conserving, restoring, enhancing, managing, and
9 maintaining fish, wildlife, native plants, or their habitats.

10 (c) While the Fish and Game Mitigation and Protection
11 Endowment Principal Account and the Fish and Game Mitigation
12 and Protection Expendable Funds Account are initially established
13 in the Special Deposit Fund within the Pooled Money Investment
14 Account, the Treasurer’s office shall, at the department’s request,
15 transfer these funds from the Pooled Money Investment Account
16 to another account within the State Treasury system to increase
17 earnings over time while providing adequate liquidity. If either or
18 both of these accounts are transferred from the Pooled Money
19 Investment Account, assets in the transferred account or accounts
20 may be held and invested ~~in any of the investments identified in~~
21 ~~Section 16430 of the Government Code, except that the maturity~~
22 ~~date of commercial paper may exceed the limits set forth in Section~~
23 ~~16430 of the Government Code. These investments shall be made~~
24 ~~as determined and directed by the department pursuant to~~
25 ~~subdivision (d).~~

26 (d) *Notwithstanding the provisions of this chapter and any*
27 *conflicting provisions of Part 2 (commencing with Section 16300)*
28 *of Division 4 of the Government Code, the department may do all*
29 *of the following:*

30 (1) *Invest or direct the investment of the assets of the Fish and*
31 *Game Mitigation and Protection Endowment Principal Account*
32 *and the Fish and Game Mitigation and Protection Expendable*
33 *Funds Account through the purchase, holding, or sale of any*
34 *investment, financial instrument, or financial transaction when*
35 *the investment, financial instrument, or financial transaction is*
36 *prudent in the informed opinion of the department.*

37 ~~(d) To develop and maintain the~~

38 (2) *For the purposes of developing and maintaining an*
39 *investment strategy for these accounts, the department may retain*

1 investment advisers deemed acceptable to the Treasurer *in the*
2 *Treasurer's reasonable discretion.*

3 (3) *For the purposes of managing and investing assets in these*
4 *accounts, the department may contract with a person or public,*
5 *private, or nonprofit entity that is experienced, knowledgeable,*
6 *and has demonstrated expertise in the management of diverse*
7 *investment portfolios and that is deemed acceptable to the*
8 *Treasurer in the Treasurer's reasonable discretion.*

9 (e) *The department shall hold, manage, and invest all moneys*
10 *in the accounts established pursuant to subdivision (a) consistent*
11 *with the management and investment principles set forth in the*
12 *Uniform Prudent Management of Institutional Funds Act (Part 7*
13 *commencing with Section 18501) of Division 9 of the Probate*
14 *Code).*

15 ~~SEC. 22.~~

16 SEC. 53. Section 13205 is added to the Fish and Game Code,
17 to read:

18 13205. The Augmented Deer Tags Account, Bighorn Sheep
19 Permit Account, and Wild Pig Account within the Fish and Game
20 Preservation Fund shall be consolidated and any remaining funds
21 in these accounts transferred to the Big Game Management
22 Account, consistent with Section 3953. The department, after
23 consultation with the Department of Finance and the Legislative
24 Analyst's Office, shall provide recommendations to the Legislature
25 for consolidation of additional dedicated accounts within the Fish
26 and Game Preservation Fund if, in the determination of the
27 department, consolidation would serve to reduce administrative
28 costs to the department and enhance its ability to meet current
29 needs, while still preserving the generally stated purpose of the
30 dedicated accounts.

31 ~~SEC. 23.~~

32 SEC. 54. Section 12805 of the Government Code is amended
33 to read:

34 12805. (a) The Resources Agency is hereby renamed the
35 Natural Resources Agency. The Natural Resources Agency consists
36 of the departments of Forestry and Fire Protection, Conservation,
37 Fish and Wildlife *Conservation*, Boating and Waterways, Parks
38 and Recreation, Resources Recycling and Recovery, and Water
39 Resources; the State Lands Commission; the Colorado River Board;
40 the San Francisco Bay Conservation and Development

1 Commission; the Central Valley Flood Protection Board; the
 2 Energy Resources Conservation and Development Commission;
 3 the Wildlife Conservation Board; the Delta Protection Commission;
 4 the Native American Heritage Commission; the California
 5 Conservation Corps; the California Coastal Commission; the State
 6 Coastal Conservancy; the California Tahoe Conservancy; the Santa
 7 Monica Mountains Conservancy; the Coachella Valley Mountains
 8 Conservancy; the San Joaquin River Conservancy; the San Gabriel
 9 and Lower Los Angeles Rivers and Mountains Conservancy; the
 10 Baldwin Hills Conservancy; the San Diego River Conservancy;
 11 and the Sierra Nevada Conservancy.

12 (b) No existing supplies, forms, insignias, signs, or logos shall
 13 be destroyed or changed as a result of changing the name of the
 14 Resources Agency to the Natural Resources Agency, and those
 15 materials shall continue to be used until exhausted or unserviceable.

16 *SEC. 55. Section 4800 of the Labor Code is amended to read:*

17 4800. (a) Whenever any member of the Department of Justice
 18 falling within the “state peace officer/firefighter” class is disabled
 19 by injury arising out of and in the course of his or her duties, he
 20 or she shall become entitled, regardless of his or her period of
 21 service with the Department of Justice to leave of absence while
 22 so disabled without loss of salary, in lieu of disability payments
 23 under this chapter, for a period of not exceeding one year. This
 24 section shall apply only to members of the Department of Justice
 25 whose principal duties consist of active law enforcement and shall
 26 not apply to persons employed in the Department of Justice whose
 27 principal duties are those of telephone operator, clerk, stenographer,
 28 machinist, mechanic or otherwise clearly not falling within the
 29 scope of active law enforcement service, even though this person
 30 is subject to occasional call or is occasionally called upon to
 31 perform duties within the scope of active law enforcement service.

32 (b) *This section shall apply to law enforcement officers employed*
 33 *by the Department of Fish and Wildlife Conservation who are*
 34 *described in subdivision (e) of Section 830.2 of the Penal Code.*

35 ~~This~~

36 (c) *This section shall apply to harbor policemen employed by*
 37 *the San Francisco Port Commission who are described in Section*
 38 *20017.76 of the Government Code.*

39 ~~This~~

1 (d) This section shall not apply to periods of disability which
2 occur subsequent to termination of employment by resignation,
3 retirement or dismissal. When this section does not apply, the
4 employee shall be eligible for those benefits which would apply
5 if this section had not been enacted.

6 SEC. 56. Section 633 of the Penal Code is amended to read:

7 633. Nothing in Section 631, 632, 632.5, 632.6, or 632.7
8 prohibits the Attorney General, any district attorney, or any
9 assistant, deputy, or investigator of the Attorney General or any
10 district attorney, any officer of the California Highway Patrol, any
11 law enforcement officer of the Department of Fish and Wildlife
12 Conservation, any chief of police, assistant chief of police, or
13 police officer of a city or city and county, any sheriff, undersheriff,
14 or deputy sheriff regularly employed and paid in that capacity by
15 a county, police officer of the County of Los Angeles, or any
16 person acting pursuant to the direction of one of these law
17 enforcement officers acting within the scope of his or her authority,
18 from overhearing or recording any communication that they could
19 lawfully overhear or record prior to the effective date of this
20 chapter.

21 Nothing in Section 631, 632, 632.5, 632.6, or 632.7 renders
22 inadmissible any evidence obtained by the above-named persons
23 by means of overhearing or recording any communication that
24 they could lawfully overhear or record prior to the effective date
25 of this chapter.