

AMENDED IN SENATE AUGUST 24, 2012

AMENDED IN SENATE AUGUST 21, 2012

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN SENATE JULY 3, 2012

AMENDED IN SENATE JUNE 20, 2012

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 18, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2402

Introduced by Assembly Member Huffman

February 24, 2012

An act to amend Sections 37, 39, 700, 1002, 1002.5, 2089.4, 2099, 2536, 2540, 3031.2, 6651, 7149.8, and 8598.3 of, ~~to amend, repeal, and add Sections 2074.2, 2074.6, 2074.8, and 2075.5 of,~~ to add Sections 13.5, 33, 43, 702.1, 703.3, 703.5, 715, 1020, 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, to amend Section 12805 of the Government Code, and to amend Section 4800 of the Labor 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: Fish and Game Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(6) Existing law, 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 CESA, 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 at a meeting, as prescribed.~~

~~This bill, until January 1, 2017, would establish an alternate process for the review of a petition, including public hearings.~~

~~(7)~~

(6) Existing law establishes the Renewable Energy Resources Development Fee Trust Fund (the development fee trust fund) as a continuously appropriated fund in the State Treasury to serve, and be managed, as an optional, voluntary method for developers or owners of eligible projects, as defined, to deposit fees sufficient to complete mitigation actions established by the department and thereby meet their requirements pursuant to ~~CESA~~ *California Endangered Species Act (CESA)* or the certification authority of the State Energy Resources Conservation and Development Commission. Existing law requires that a specified sum of money be transferred, as a loan, from the Renewable Resource Trust Fund to the development fee trust fund and be repaid from the development fee trust fund to the Renewable Resource Trust Fund no later than December 31, 2012.

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

(8)

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

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

Vote: majority. Appropriation: 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.

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

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

20 (d) The policy chairs of the committees of the Legislature with
21 subject matter jurisdiction shall consider proposed legislation to
22 address many of the draft recommendations of the California Fish

1 and Wildlife Strategic Vision and other reforms necessary to satisfy
2 the mandate of Assembly Bill 2376. Some of the content of the
3 proposed legislation reflects suggestions contained in the draft
4 interim strategic vision report released by the department and the
5 commission on November 22, 2011. The proposed legislation may
6 be amended from time to time to reflect additional
7 recommendations as the stakeholder and blue ribbon commission
8 process and final reports of the executive committee are completed.

9 SEC. 2. It is the intent of the Legislature that investments in
10 habitat protection and restoration made as part of compensatory
11 mitigation to retain and enhance biological values for listed species
12 are perpetual and supported with long-term management. To extend
13 the conservation benefits derived from these investments to public
14 lands, it is the further intent of the Legislature that the department
15 work with the federal Bureau of Land Management and interested
16 stakeholders to develop a viable solution that will ensure durable
17 mitigation and protection of mitigation lands on federal lands in
18 perpetuity.

19 SEC. 3. Section 13.5 is added to the Fish and Game Code, to
20 read:

21 13.5. “Adaptive management,” unless otherwise specified in
22 this code, means management that improves the management of
23 biological resources over time by using new information gathered
24 through monitoring, evaluation, and other credible sources as they
25 become available, and adjusts management strategies and practices
26 to assist in meeting conservation and management goals. Under
27 adaptive management, program actions are viewed as tools for
28 learning to inform future actions.

29 SEC. 4. Section 33 is added to the Fish and Game Code, to
30 read:

31 33. “Credible science” means the best available scientific
32 information that is not overly prescriptive due to the dynamic
33 nature of science, and includes the evaluation principles of
34 relevance, inclusiveness, objectivity, transparency, timeliness,
35 verification, validation, and peer review of information as
36 appropriate. Credible science also recognizes the need for adaptive
37 management, as defined in Section 13.5, as scientific knowledge
38 evolves.

39 SEC. 5. Section 37 of the Fish and Game Code is amended to
40 read:

37. “Department” means the Department of Fish and Wildlife.
SEC. 6. Section 39 of the Fish and Game Code is amended to read:

39. “Director” means the Director of Fish and Wildlife.

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

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

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

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

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

(c) Whenever the term “Department of Fish and Game” appears in a law, the term means the “Department of Fish and Wildlife.”

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

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

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

(b) (1) Pursuant to Section 10231.5 of the Government Code, the requirement for submitting a report pursuant to subdivision (a) shall become inoperative on January 1, 2017.

(2) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

1 SEC. 10. Section 703.3 is added to the Fish and Game Code,
2 to read:

3 703.3. It is the policy of the state that the department and
4 commission use ecosystem-based management informed by
5 credible science in all resource management decisions to the extent
6 feasible. It is further the policy of the state that scientific
7 professionals at the department and commission, and all resource
8 management decisions of the department and commission, be
9 governed by a scientific quality assurance and integrity policy,
10 and follow well-established standard protocols of the scientific
11 profession, including, but not limited to, the use of peer review,
12 publication, and science review panels where appropriate. Resource
13 management decisions of the department and commission should
14 also incorporate adaptive management to the extent possible.

15 SEC. 11. Section 703.5 is added to the Fish and Game Code,
16 to read:

17 703.5. It is the policy of the state as follows:

18 (a) That the department and the commission seek to create,
19 foster, and actively participate in effective partnerships and
20 collaborations with other agencies and stakeholders to achieve
21 shared goals and to better integrate fish and wildlife resource
22 conservation and management with the natural resource
23 management responsibilities of other agencies.

24 (b) That the department and commission participate in
25 interagency coordination processes that facilitate consistency and
26 efficiency in review of projects requiring multiple permits,
27 including, but not necessarily limited to, joint state, federal, and
28 local permit review teams that enable early consultation with
29 project applicants, and provide improved sharing of data,
30 information, tools, and science to achieve better alignment of
31 planning, policies, and regulations across agencies.

32 SEC. 12. Section 715 is added to the Fish and Game Code, to
33 read:

34 715. (a) The director, in consultation with the Natural
35 Resources Agency, shall establish a formal program, which may
36 be called the Science Institute, to assist the department and
37 commission in obtaining independent scientific review, and
38 recommendations to help inform the scientific work of the
39 department and the commission. The program shall include one
40 or more ad hoc independent scientific committees consisting of

1 independent scientists who are scientific experts in their fields
2 with expertise in biological sciences and with a range of
3 multidisciplinary expertise pertinent to the work of the department
4 and the commission, and which may be convened pursuant to this
5 section. The purpose of the program shall be to assist the
6 department and the commission in obtaining and establishing an
7 independent and objective view of the scientific issues underlying
8 important policy decisions.

9 (b) The objectives of the program shall include, but not
10 necessarily be limited to, the following:

11 (1) Providing independent scientific guidance of the scientific
12 research, monitoring, and assessment programs that support the
13 department's and the commission's work with fish and wildlife
14 species and their habitats.

15 (2) Providing the best available independent scientific
16 information and advice to guide and inform department and
17 commission decisions.

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

19 (4) Promoting science-based adaptive management.

20 (5) Ensuring scientific integrity and transparency in
21 decisionmaking.

22 (c) The department may consult with members of the ad hoc
23 scientific committees to assist the department in identifying other
24 independent scientific experts with specialized expertise as needed
25 for independent peer review of department reports, including, but
26 not limited to, status review reports prepared for purposes of
27 informing decisions on petitions for listing of species under the
28 California Endangered Species Act (Chapter 1.5 (commencing
29 with Section 2050) of Division 3).

30 (d) The department shall consult with independent scientific
31 advisors to develop and revise as necessary a scientific integrity
32 policy to guide the work of the department and the commission.
33 The scientific integrity policy may include, but is not necessarily
34 limited to, an ethical code of conduct for department scientists,
35 standards for independent peer review, and other best practices
36 for ensuring scientific integrity and public confidence in department
37 and commission work products and decisions.

38 (e) For marine fisheries and other marine resources, the
39 department may utilize the California Ocean Science Trust for the
40 purposes of this section.

1 SEC. 13. Section 1002 of the Fish and Game Code is amended
2 to read:

3 1002. (a) The department may issue permits, subject to
4 restrictions and regulations that the department determines are
5 desirable, to take or possess, in any part of the state, for scientific,
6 educational, or propagation purposes, mammals, birds and the
7 nests and eggs thereof, fish, amphibians, reptiles, or any other form
8 of plant or animal life.

9 (b) The department may issue a permit that is valid for 36
10 months from the date of issuance on the payment of a
11 nonrefundable application fee of one hundred dollars (\$100) and
12 a permit fee of three hundred dollars (\$300), as adjusted under
13 Section 713.

14 (c) Notwithstanding subdivision (b), the department may issue
15 a permit without fee that is valid for 12 months from the date of
16 issuance to authorize only the banding of birds and the exhibition
17 of live or dead wildlife specimens by public zoological gardens,
18 scientific, or educational institutions.

19 (d) (1) The department may issue a special student permit that
20 is valid for 12 months from the date of issuance on the payment
21 of a nonrefundable application fee of twenty-five dollars (\$25)
22 and a permit fee of fifty dollars (\$50), as adjusted under Section
23 713, to any student in a school of collegiate level or a commercial
24 fishing class who is required by an instructor to collect specimens
25 used in laboratory work in the school under supervision and in
26 connection with a course in wildlife research or in the conduct of
27 wildlife investigations and studies on behalf of the public.

28 (2) All fish taken under permit for a commercial fishing class
29 student shall be taken in accordance with state law, except that
30 Sections 7850, 7880, and 7881 do not apply. All fish taken under
31 a permit for a commercial fishing class student may be sold only
32 to a person licensed to receive fish from commercial fishermen as
33 provided in Section 8032 or 8033 or donated to a charitable
34 institution. All funds received from the sale of the fish shall be
35 used solely for the support of commercial fishing classes.

36 (e) It is not necessary for the holder of the permit to have a sport
37 fishing or hunting license to collect any fish, amphibian, reptile,
38 aquatic animal or plant, bird, or mammal for scientific, educational,
39 or propagation purposes in this state.

1 (f) Nothing in this section authorizes any act which violates
2 Section 597 of the Penal Code.

3 (g) A permit under this section does not authorize the taking of
4 fish or mammals from the ocean waters of this state which are
5 within the boundaries of any city if the city has filed with the
6 department an objection to the taking.

7 (h) The adjustment of the nonrefundable application fee and
8 permit fees pursuant to Section 713 that are specified in
9 subdivisions (b) and (d) shall be applicable to permits issued on
10 or after January 1, 2013.

11 (i) The department, by regulation, may adjust the amount of the
12 fees specified in subdivisions (b) and (d) as necessary to fully
13 recover, but not exceed, all reasonable administrative and
14 implementation costs of the department relating to those permits.

15 (j) No permit under this section is required for species listed as
16 threatened or endangered pursuant to the California Endangered
17 Species Act, when an entity holds a valid permit or memorandum
18 of understanding for the subject species and the proposed activities,
19 issued pursuant to Section 2081.

20 (k) No permit under this section is required for fully protected
21 species listed in Section 3511, 4700, 5050, or 5515 if the entity
22 holds a valid memorandum of understanding issued by the
23 department for the subject species and proposed activities, in
24 accordance with the respective section.

25 (l) A permit or amendment issued pursuant to Section 1002 is
26 not transferable between individuals or entities.

27 (m) If a permitholder fails to submit information or reports
28 required in a permit, the department shall revoke an existing permit,
29 and may decline to issue a permit to that person or entity in
30 subsequent years.

31 SEC. 14. Section 1002.5 of the Fish and Game Code is
32 amended to read:

33 1002.5. (a) The department may issue a permit pursuant to
34 Section 1002 to an appropriate public, private, or nonprofit entity,
35 or a person, as determined by the department, in the name of a
36 principal scientific investigator or the permitted entity or person.

37 (b) The department may approve individual temporary
38 employees or volunteers to work under the permit, after receiving
39 notification from the permittee. The permittee shall have adequate

1 supervision over any temporary employees or volunteers approved
2 to work under the permit.

3 (c) A permittee that allows a temporary employee or volunteer
4 to work under a permit without approval from the department in
5 accordance with this section is subject to Section 12000.

6 (d) The department shall charge a fee pursuant to subdivision
7 (b) of Section 1002 for the issuance of a permit authorized by this
8 section. If the department determines that the costs to issue a permit
9 authorized by this section are greater than the costs to issue a permit
10 pursuant to Section 1002, the department may charge a permit fee
11 in an amount that is greater than the amount imposed by
12 subdivision (b) of Section 1002 to recover those additional costs.

13 (e) The department may amend a permit issued under this
14 section, including, but not limited to, the addition or removal of
15 individual temporary employees or volunteers working under the
16 permit, on the payment of a nonrefundable application fee of one
17 hundred dollars (\$100), as adjusted under Section 713 or
18 regulations adopted by the department.

19 SEC. 15. Section 1020 is added to the Fish and Game Code,
20 to read:

21 1020. (a) The department and the commission shall develop
22 a strategic plan to implement proposals arising from any of the
23 following:

24 (1) The strategic vision developed and submitted to the Governor
25 and the Legislature pursuant to Section 12805.3 of the Government
26 Code.

27 (2) Any legislation enacted relating to the strategic vision
28 process.

29 (3) The department's own proposals for reform.

30 (b) (1) The department and the commission may contract for
31 consultants to assist in the preparation of the strategic plan pursuant
32 to subdivision (a).

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

35 (3) Contracts entered into pursuant to paragraph (1) shall be
36 exempt from Part 2 (commencing with Section 10100) of Division
37 2 of the Public Contract Code.

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:

Article 7. Nonprofit Partnerships

1225. All 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 shall be deposited in the State Treasury to the credit of the Fish and Game Preservation Fund. All moneys deposited pursuant to this section shall be used for purposes relating to conservation programs, projects, and activities by the department.

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

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

1227. Notwithstanding any other provision of law, the department may enter into one or more agreements with any person, nonprofit organization, or other public or private entity, as may be appropriate, 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. The authority to enter into agreements for the purposes of this section shall include, but not be limited to, for the purposes of securing donations, memberships, corporate and individual sponsorships, and marketing and licensing agreements.

~~SEC. 17. Section 2074.2 of the Fish and Game Code is amended to read:~~

1 ~~2074.2. (a) At the meeting scheduled pursuant to Section 2074,~~
2 ~~the commission shall hold a public hearing on the petition and~~
3 ~~shall receive information, written or otherwise, and oral testimony.~~
4 ~~After the conclusion of oral testimony from the commission and~~
5 ~~department staff, the petitioner, or any other persons, the~~
6 ~~commission may close the public hearing and administrative record~~
7 ~~for the commission's decision pursuant to this section.~~

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

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

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

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

1 ~~(d) In its discretion, the commission may either close the public~~
2 ~~hearing and continue the meeting on the petition for the purpose~~
3 ~~of deliberation or continue both the public hearing and the meeting~~
4 ~~on the petition to a subsequent date, which shall be no later than~~
5 ~~90 days after the meeting scheduled pursuant to Section 2074, and~~
6 ~~subject to applicable notice and agenda requirements. If the~~
7 ~~commission closes the public hearing but continues the meeting~~
8 ~~for the purpose of deliberation, a person shall not submit, and the~~
9 ~~commission shall not receive, further information relating to the~~
10 ~~petition except as provided in subdivision (c).~~

11 ~~(e) At the meeting scheduled pursuant to Section 2074 or at a~~
12 ~~continued meeting scheduled pursuant to subdivision (d), the~~
13 ~~commission shall consider the petition, the department's written~~
14 ~~report, written comments received, and oral testimony provided~~
15 ~~during the public hearing, and the commission shall make and~~
16 ~~enter in its record one of the following findings:~~

17 ~~(1) If the commission finds that the petition does not provide~~
18 ~~sufficient information to indicate that the petitioned action may~~
19 ~~be warranted, the commission shall publish a notice of finding that~~
20 ~~the petition is rejected, including the reasons why the petition is~~
21 ~~not sufficient.~~

22 ~~(2) If the commission finds that the petition provides sufficient~~
23 ~~information to indicate that the petitioned action may be warranted,~~
24 ~~the commission shall publish a notice of finding that the petition~~
25 ~~is accepted for consideration. If the accepted petition recommends~~
26 ~~the addition of a species to either the list of endangered species or~~
27 ~~the list of threatened species, the commission shall include in the~~
28 ~~notice that the petitioned species is a candidate species. The~~
29 ~~commission shall maintain a list of species which are candidate~~
30 ~~species.~~

31 ~~(f) The commission shall publish and distribute the findings~~
32 ~~relating to the petition pursuant to Section 2078.~~

33 ~~(g) This section shall remain in effect only until January 1, 2017,~~
34 ~~and as of that date is repealed, unless a later enacted statute, that~~
35 ~~is enacted before January 1, 2017, deletes or extends that date.~~

36 ~~SEC. 18. Section 2074.2 is added to the Fish and Game Code,~~
37 ~~to read:~~

38 ~~2074.2. (a) At the scheduled meeting, the commission shall~~
39 ~~consider the petition, the department's written report, and~~

1 comments received, and the commission shall make and enter in
2 its public record one of the following findings:

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

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

17 (b) ~~The commission shall publish and distribute the findings~~
18 ~~relating to the petition pursuant to Section 2078.~~

19 (c) ~~This section shall become operative on January 1, 2017.~~

20 SEC. 19. ~~Section 2074.6 of the Fish and Game Code is~~
21 ~~amended to read:~~

22 2074.6. (a) ~~The department shall promptly commence a review~~
23 ~~of the status of the species concerned in the petition. Within 12~~
24 ~~months of the date of publication of a notice of acceptance of a~~
25 ~~petition for consideration pursuant to paragraph (2) of subdivision~~
26 ~~(d) of Section 2074.2, the department shall produce and make~~
27 ~~publicly available on the department's Internet Web site a written~~
28 ~~peer reviewed report, based upon the best scientific information~~
29 ~~available to the department, which indicates whether the petitioned~~
30 ~~action is warranted, which includes a preliminary identification of~~
31 ~~the habitat that may be essential to the continued existence of the~~
32 ~~species, and which recommends management activities and other~~
33 ~~recommendations for recovery of the species. The department shall~~
34 ~~amend the draft status review report as appropriate to incorporate~~
35 ~~scientific information from the independent peer review. The~~
36 ~~revised report shall be posted on the department's Internet Web~~
37 ~~site for a minimum of 30 days for public review prior to the hearing~~
38 ~~scheduled pursuant to Section 2075. The commission may grant~~
39 ~~an extension of up to six months if the director determines an~~
40 ~~extension is necessary to complete independent peer review of the~~

1 report, and to provide a minimum of 30 days for public review of
2 the peer reviewed report prior to the public hearing specified in
3 Section 2075.

4 (b) This section shall remain in effect only until January 1, 2017,
5 and as of that date is repealed, unless a later enacted statute, that
6 is enacted before January 1, 2017, deletes or extends that date.

7 SEC. 20. Section 2074.6 is added to the Fish and Game Code,
8 to read:

9 2074.6. (a) The department shall promptly commence a review
10 of the status of the species concerned in the petition. Within 12
11 months of the date of publication of a notice of acceptance of a
12 petition for consideration by the commission pursuant to paragraph
13 (2) of subdivision (a) of Section 2074.2, the department shall
14 provide a written report to the commission, based upon the best
15 scientific information available to the department, which indicates
16 whether the petitioned action is warranted, which includes a
17 preliminary identification of the habitat that may be essential to
18 the continued existence of the species, and which recommends
19 management activities and other recommendations for recovery
20 of the species.

21 (b) This section shall become operative on January 1, 2017.

22 SEC. 21. Section 2074.8 of the Fish and Game Code is
23 amended to read:

24 2074.8. (a) Nothing in this article imposes any duty or
25 obligation for, or otherwise requires, the commission or the
26 department to undertake independent studies or other assessments
27 of any species when reviewing a petition and its attendant
28 documents and comments. However, the department shall seek
29 independent scientific peer review of the department's status report.
30 The director may approve an extension of time for completion of
31 the status report if necessary for the purposes of obtaining
32 independent peer review pursuant to Section 2074.6.

33 (b) This section shall remain in effect only until January 1, 2017,
34 and as of that date is repealed, unless a later enacted statute, that
35 is enacted before January 1, 2017, deletes or extends that date.

36 SEC. 22. Section 2074.8 is added to the Fish and Game Code,
37 to read:

38 2074.8. (a) Nothing in this article imposes any duty or
39 obligation for, or otherwise requires, the commission or the
40 department to undertake independent studies or other assessments

1 of any species when reviewing a petition and its attendant
2 documents and comments.

3 (b) This section shall become operative on January 1, 2017.

4 SEC. 23. Section 2075.5 of the Fish and Game Code is
5 amended to read:

6 2075.5. (a) At the meeting scheduled pursuant to Section 2075,
7 the commission shall hold a public hearing on the petition and
8 shall receive information, written or otherwise, and oral testimony.
9 After the conclusion of oral testimony from department staff, the
10 petitioner, or any other persons, the commission may close the
11 public hearing and the administrative record for the department's
12 decision pursuant to this section.

13 (b) After the commission closes the public hearing the
14 administrative record for the commission's decision is closed and
15 it shall not be reopened except as provided in subdivision (c). Once
16 the public hearing is closed a person shall not submit further
17 information to the department for consideration on that petition
18 and the commission shall not accept any further information for
19 consideration on that petition except as provided in subdivision
20 (c).

21 (c) The administrative record for the commission's decision
22 pursuant to this section shall not be reopened once the department
23 closes the public hearing unless one of the following occurs prior
24 to the commission's decision:

25 (1) There is a change in state or federal law or regulation that
26 has a direct and significant impact on the commission's
27 determination as to whether the petitioned action is warranted.

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

1 the petitioner, or any other person may submit information in
2 response to a request pursuant to this paragraph.

3 (d) The commission, in its discretion, may either close the public
4 hearing and continue the meeting on the petition for the purpose
5 of deliberation or continue both the public hearing and the meeting
6 on the petition to a subsequent date which is no later than 90 days
7 after the meeting scheduled pursuant to Section 2075, and subject
8 to applicable notice and agenda requirements. If the commission
9 closes the public hearing but continues the meeting for the purpose
10 of deliberation, a person shall not submit, and the commission
11 shall not receive, further information relating to the petition except
12 as provided in subdivision (c).

13 (e) At the meeting scheduled pursuant to Section 2075, or at a
14 continued meeting scheduled pursuant to subdivision (d), the
15 commission shall make one of the following findings:

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

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

29 (f) This section shall remain in effect only until January 1, 2017,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before January 1, 2017, deletes or extends that date.

32 SEC. 24. Section 2075.5 is added to the Fish and Game Code,
33 to read:

34 2075.5. (a) At the meeting scheduled pursuant to Section 2075,
35 the commission shall make one of the following findings:

36 (1) The petitioned action is not warranted, in which case the
37 finding shall be entered in the public records of the commission
38 and the petitioned species shall be removed from the list of
39 candidate species maintained pursuant to Section 2074.2.

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

~~(b) This section shall become operative on January 1, 2017.~~

~~SEC. 25.~~

~~SEC. 17. Section 2089.4 of the Fish and Game Code is amended to read:~~

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

~~(a) "Agreement" means a state safe harbor agreement approved by the department pursuant to this article. "Agreement" includes an agreement with an individual landowner and a programmatic agreement.~~

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

~~(c) "Department" means the Department of Fish and Wildlife, acting through its director or his or her designee.~~

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

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

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

(g) “Net conservation benefit” means the cumulative benefits of the management activities identified in the agreement that provide for an increase in a species’ population or the enhancement, restoration, or maintenance of covered species’ suitable habitats within the enrolled property. Net conservation benefit shall take into account the length of the agreement, any offsetting adverse effects attributable to the incidental taking allowed by the agreement, and other mutually agreed upon factors. Net conservation benefits shall be sufficient to contribute either directly or indirectly to the recovery of the covered species. These benefits include, but are not limited to, reducing fragmentation and increasing the connectivity of habitats, maintaining or increasing populations, enhancing and restoring habitats, and buffering protected areas.

(h) “Programmatic agreement” means a state safe harbor agreement issued to a governmental or nongovernmental program administrator. The program administrator for a programmatic agreement shall work with landowners and the department to implement the agreement. The program administrator and the department shall be responsible for ensuring compliance with the terms of the agreement.

(i) “Qualified person” means a person with species expertise who has been approved by the department.

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

~~SEC. 26.~~

SEC. 18. Section 2099 of the Fish and Game Code is amended to read:

2099. (a) For purposes of this section, the following terms have the following meanings:

(1) “Eligible project” means a solar thermal powerplant, photovoltaic powerplant, wind powerplant, or geothermal powerplant meeting the requirements of paragraph (1) or (2) of

subdivision (b) of Section 2069 or meeting the definition of a “covered activity” in the final Desert Renewable Energy Conservation Plan, as approved by the department.

(2) “Energy Commission” means the State Energy Resources Conservation and Development Commission.

(b) (1) The Renewable Energy Resources Development Fee Trust Fund is hereby established in the State Treasury. The department shall collect a fee from the owner or developer of an eligible project that elects to use mitigation actions developed and approved by the department pursuant to Section 2069, and all moneys received for purposes of mitigation actions pursuant to Section 2069 shall be deposited in the fund and shall be held in trust and be expended solely for the purposes of, and in conformity with, that section, applicable permit or certification requirements for eligible projects, and any contractual agreement between the Energy Commission or department and the owner or developer of an eligible project. The department may contract with, or award grants to, third parties to implement mitigation actions in conformity with Section 2069 and this section.

(2) Upon direction by the department, the Controller shall create any accounts or subaccounts within the fund that the department determines are necessary or convenient to facilitate management of the fund.

(3) The fund shall serve, and be managed, as an optional, voluntary method for developers or owners of eligible projects to deposit fees to complete mitigation actions meeting the conditions of subdivision (c) of Section 2069 and for the purpose of meeting the requirements of this chapter or the requirements of Chapter 6 (commencing with Section 25500) of Division 15 of the Public Resources Code by funding mitigation actions implemented by the department or third parties in a contractual relationship with the department. Notwithstanding Section 13340 of the Government Code, the money in the fund is hereby continuously appropriated to the department, without regard to fiscal years, for the purposes enumerated in this section and Section 2069. An expenditure shall not be made from the fund except as authorized by the department.

(4) The sum of ten million dollars (\$10,000,000) previously transferred, as a loan, from the Renewable Resource Trust Fund to the fund shall be repaid from the fund to the Renewable Resource Trust Fund no later than December 31, 2013. The

1 department shall use these funds, pursuant to paragraph (1) of
2 subdivision (c) of Section 2069, to purchase mitigation lands or
3 conservation easements, and to cover related restoration,
4 monitoring, and transaction costs incurred in advance of the receipt
5 of fees pursuant to paragraph (5) and to cover the department's
6 administrative costs for the program.

7 (5) A developer or owner of an eligible project that elects to
8 use mitigation actions developed and authorized by the department
9 pursuant to Section 2069 shall remit fees to the department for
10 deposit into the fund for those mitigation actions in an amount that
11 reflects the determination by the Energy Commission, with respect
12 to a solar thermal or geothermal powerplant subject to its
13 jurisdiction, or the department, with respect to a renewable energy
14 powerplant not subject to the Energy Commission's jurisdiction,
15 of the costs attributable to the mitigation actions that meet the
16 standards of this chapter. The amount of fees to be paid by a
17 developer or owner of an eligible project to meet the standards of
18 this chapter shall be calculated on a per acre basis, using total cost
19 accounting, and shall include, as applicable, land acquisition or
20 conservation easement costs, monitoring costs, restoration costs,
21 transaction costs, the amount of a perpetual endowment account
22 for land management or easement stewardship costs by the
23 department or other management entity, and administrative costs
24 and funds sufficient to repay any expenditure of state funds made
25 pursuant to paragraph (4). To ensure the funds deposited pursuant
26 to this section are sufficient to meet the standards of this chapter,
27 the project developer or owner, in addition to payment of those
28 funds, shall provide security, in a form and amount, not to exceed
29 5 percent of the amount of the funds, excluding any portion of the
30 funds to be used for a perpetual endowment, to be determined by
31 the Energy Commission, with respect to a solar thermal or
32 geothermal powerplant subject to its jurisdiction, or to be
33 determined by the department, with respect to a renewable energy
34 powerplant not subject to the Energy Commission's jurisdiction.

35 (c) The department shall monitor the implementation of the
36 mitigation actions and the progress of the construction of the
37 eligible projects. The department shall report all deposits, and the
38 source of those deposits, on its Internet Web site. The department
39 shall also report all expenditures from the fund on its Internet Web
40 site and identify the mitigation activities or programs that each

1 expenditure funded and its relationship to the permitted project.
2 The Energy Commission, with respect to a solar thermal or
3 geothermal powerplant subject to its jurisdiction, and the
4 department, with respect to a renewable energy powerplant not
5 subject to the Energy Commission's jurisdiction, shall ensure that
6 moneys paid pursuant to this section are used only for purposes
7 of satisfying the standards of paragraph (2) of subdivision (b) of
8 Section 2081. Where moneys are used to fund mitigation actions,
9 including the acquisition of lands or conservation easements, or
10 the restoration of lands, that use shall be in addition to, and not
11 duplicative of, mitigation obtained through any other means.

12 (d) The department and the Energy Commission shall not allow
13 any use of the interim mitigation strategy subsequent to a
14 determination by the department that the time and extent of
15 mitigation actions are not being implemented in rough proportion
16 to the impacts of those projects. The department shall reinstitute
17 the use of the interim mitigation strategy when the department
18 determines the rough proportionality between mitigation actions
19 and impacts of eligible projects has been reestablished by the
20 completion of additional mitigation actions.

21 ~~SEC. 27.~~

22 *SEC. 19.* Section 2536 of the Fish and Game Code is amended
23 to read:

24 2536. (a) It is unlawful for any person to engage in the business
25 of guiding or packing, or to act as a guide for any consideration
26 or compensation whatever, without first having secured a guide
27 license from the department.

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

32 (1) If the employment is subject to and the person is reported
33 to the carrier of the employer's workers' compensation insurance.

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

36 (3) If the person is reported to the department, on forms provided
37 by the department, as an employee of the guide prior to any contact
38 with any person being guided, and a registration fee has been paid.
39 The base fee for an employee guide registration for the 2004 license

1 year shall be thirty-three dollars (\$33), which shall be adjusted
2 annually thereafter pursuant to Section 713.

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

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

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

10 (3) The person is engaged in the business of guiding only in
11 conjunction with and during the term of a multistate fishing
12 tournament approved by the appropriate agency in each of the
13 affected states.

14 (4) The tournament sponsor provides to the department any
15 information or documents necessary to administer and enforce this
16 paragraph, as determined by the department, including, but not
17 limited to, the identities of all guides participating in the
18 tournament, verification of another state's license exemption, and
19 information sufficient to determine the validity of another state's
20 guide licenses.

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

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

26 (d) The commission shall adjust the amount of the fees specified
27 in paragraph (3) of subdivision (b), as necessary, to fully recover,
28 but not exceed, all reasonable administrative and implementation
29 costs of the department and the commission relating to those
30 licenses.

31 ~~SEC. 28.~~

32 *SEC. 20.* Section 2540 of the Fish and Game Code is amended
33 to read:

34 2540. (a) The base fee for a guide license issued to a resident
35 is one hundred fifty dollars (\$150).

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

38 (c) A guide license is valid for the license year beginning on
39 February 1 and ending on January 31 of the succeeding year or, if

1 issued after the beginning of the license year, for the remainder of
2 that license year.

3 (d) The base fees specified in this section are applicable to the
4 2004 license year, and shall be adjusted annually thereafter
5 pursuant to Section 713.

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

10 ~~SEC. 29.~~

11 *SEC. 21.* Section 3031.2 of the Fish and Game Code is amended
12 to read:

13 3031.2. (a) In addition to Sections 714 and 3031, and
14 notwithstanding Section 3037, the department shall issue lifetime
15 hunting licenses under this section. A lifetime hunting license
16 authorizes the taking of birds and mammals anywhere in this state
17 in accordance with the law for purposes other than profit for the
18 life of the person to whom issued unless revoked for a violation
19 of this code or regulations adopted under this code. A lifetime
20 hunting license is not transferable. A lifetime hunting license does
21 not include any special tags, stamps, or fees.

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

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

26 (2) To a person 40 years of age or over, and less than 62 years
27 of age, upon payment of a base fee of five hundred forty dollars
28 (\$540).

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

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

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

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

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

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

8 ~~SEC. 30.~~

9 *SEC. 22.* Section 6651 of the Fish and Game Code is amended
10 to read:

11 6651. (a) A license granting the privilege to harvest kelp or
12 other aquatic plants shall be issued upon application and the
13 payment of a fee of one hundred dollars (\$100) to the department.
14 The license shall be valid from January 1 to December 31,
15 inclusive, or, if issued after the beginning of that term, for the
16 remainder thereof.

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

21 (c) This chapter does not apply to aquatic plants grown on
22 private land or on state water bottoms leased pursuant to Division
23 12 (commencing with Section 15000).

24 ~~SEC. 31.~~

25 *SEC. 23.* Section 7149.8 of the Fish and Game Code is amended
26 to read:

27 7149.8. (a) A person shall not take abalone from ocean waters
28 unless he or she first obtains, in addition to a valid California sport
29 fishing license and any applicable license validation or stamp
30 issued pursuant to this code, an abalone report card, and maintains
31 that report card in his or her possession while taking abalone.

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

36 (c) The commission shall adjust the amount of the fees specified
37 in subdivision (b) 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. 32.~~

2 SEC. 24. Section 8598.3 of the Fish and Game Code is amended
3 to read:

4 8598.3. (a) The fee for a marine aquaria collector's permit
5 shall be three hundred thirty dollars (\$330).

6 (b) A person engaged in taking, possessing, or landing marine
7 species under a marine aquaria collector's permit shall not take,
8 possess aboard a boat, or land any species under the authority of
9 a scientific collector's permit issued pursuant to Section 1002,
10 5515, or 10660 on the same fishing trip.

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

15 ~~SEC. 33.~~

16 SEC. 25. Section 12028 is added to the Fish and Game Code,
17 to read:

18 12028. The Legislature finds and declares that:

19 (a) Poaching violations and other violations of the Fish and
20 Game Code have been increasing, and these violations have a
21 detrimental impact on fish and wildlife and their habitats, which
22 are held in trust by the state for the benefit of the people of the
23 state.

24 (b) In order to deter illegal poaching and other violations that
25 adversely impact fish and wildlife, it is important that the
26 department coordinate with other law enforcement entities and the
27 courts to facilitate effective enforcement and prosecution of these
28 offenses.

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

~~SEC. 34.~~

SEC. 26. Section 13205 is added to the Fish and Game Code, to read:

13205. The Augmented Deer Tags Account, Bighorn Sheep Permit Account, and Wild Pig Account, within the Fish and Game Preservation Fund, shall be consolidated and any remaining funds in these accounts transferred to the Big Game Management Account, consistent with Section 3953. The department, after consultation with the Department of Finance and the Legislative Analyst's Office, shall provide recommendations to the Legislature for consolidation of additional dedicated accounts within the Fish and Game Preservation 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 generally stated purpose of the dedicated accounts.

~~SEC. 35. Section 12805 of the Government Code is amended to read:~~

~~12805. (a) The Resources Agency is hereby renamed the Natural Resources Agency. The Natural Resources Agency consists of the departments of Forestry and Fire Protection, Conservation, Fish and Wildlife, Delta Stewardship Council, Parks and Recreation, and Water Resources; the State Lands Commission; the Colorado River Board; the San Francisco Bay Conservation and Development Commission; the Central Valley Flood Protection Board; the Energy Resources Conservation and Development Commission; the Wildlife Conservation Board; the Delta Protection Commission; the Office of Exposition Park; the Native American Heritage Commission; the California Conservation Corps; the California Coastal Commission; the State Coastal Conservancy; the California Tahoe Conservancy; the Santa Monica Mountains Conservancy; the Coachella Valley Mountains Conservancy; the San Joaquin River Conservancy; the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy; the Baldwin Hills Conservancy; the San Diego River Conservancy; and the Sierra Nevada Conservancy.~~

~~(b) Existing supplies, forms, insignias, signs, or logos shall not be destroyed or changed as a result of changing the name of the Resources Agency to the Natural Resources Agency, and those materials shall continue to be used until exhausted or unserviceable.~~

1 *SEC. 27. Section 12805 of the Government Code is amended*
2 *to read:*

3 12805. (a) The Resources Agency is hereby renamed the
4 Natural Resources Agency. The Natural Resources Agency consists
5 of the departments of Forestry and Fire Protection, Conservation,
6 Fish and ~~Game~~, *Wildlife*, Parks and Recreation, and Water
7 Resources; the State Lands Commission; the Colorado River Board;
8 the San Francisco Bay Conservation and Development
9 Commission; the Central Valley Flood Protection Board; the
10 Energy Resources Conservation and Development Commission;
11 the Wildlife Conservation Board; the Delta Protection Commission;
12 the California Science Center; the Native American Heritage
13 Commission; the California Conservation Corps; the California
14 Coastal Commission; the State Coastal Conservancy; the California
15 Tahoe Conservancy; the Santa Monica Mountains Conservancy;
16 the Coachella Valley Mountains Conservancy; the San Joaquin
17 River Conservancy; the San Gabriel and Lower Los Angeles Rivers
18 and Mountains Conservancy; the Baldwin Hills Conservancy; the
19 San Diego River Conservancy; and the Sierra Nevada Conservancy.

20 (b) Existing supplies, forms, insignias, signs, or logos shall not
21 be destroyed or changed as a result of changing the name of the
22 Resources Agency to the Natural Resources Agency, and those
23 materials shall continue to be used until exhausted or unserviceable.

24 ~~SEC. 36.~~

25 *SEC. 28. Section 4800 of the Labor Code is amended to read:*

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

1 (b) This section shall apply to law enforcement officers
2 employed by the Department of Fish and Wildlife who are
3 described in subdivision (e) of Section 830.2 of the Penal Code.

4 (c) This section shall apply to harbor ~~policemen~~ *police officers*
5 employed by the San Francisco Port Commission who are
6 described in Section ~~20017.76~~ *20402* of the Government Code.

7 (d) This section shall not apply to periods of disability which
8 occur subsequent to termination of employment by resignation,
9 retirement or dismissal. When this section does not apply, the
10 employee shall be eligible for those benefits which would apply
11 if this section had not been enacted.