

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1259**

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**Introduced by Assembly Member Levine**

February 27, 2015

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An act to ~~add Chapter 4.5 (commencing with Section 8305) to Division 1 of Title 2 of the Government Code, amend Section 1745.2 of the Fish and Game Code, relating to pesticides: bees.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1259, as amended, Levine. ~~Pesticides: neonicotinoids: planting on state-owned or state-managed lands: prohibition. Bees: apiculture: state-owned lands.~~

*Existing law requires the Department of Fish and Wildlife to consider permitting apiculture on department-managed wildlife areas. Existing law requires the department, when developing or amending its land management plans, to make certain determinations relating to the use of the department-managed wildlife areas for apiculture.*

*This bill would instead require the department to consider authorizing apiculture on department-managed wildlife areas.*

*The bill would authorize the department to authorize the temporary placement of bee hives on department-managed wildlife areas through simple agreements specifying appropriate conditions. The bill would provide that these agreements are not contracts or leases for purposes of competitive bidding provisions and other provisions relating to public contracts in the Public Contract Code and the Government Code.*

*The bill would authorize the department to continue any authorization for apiculture on department-managed lands that it granted before January 1, 2015, without taking further action.*

~~Existing law generally regulates pesticide use, and requires the Director of Pesticide Regulation to endeavor to eliminate from use any pesticide that endangers the agricultural or nonagricultural environment. Existing law requires pesticides to be registered by the Department of Pesticide Regulation. Existing law requires that a pesticide be thoroughly evaluated prior to registration, provides for the continued evaluation of registered pesticides, and requires the department, by July 1, 2018, to issue a determination with respect to its reevaluation of neonicotinoids. Existing law requires the department, within 2 years after making this determination, to adopt any control measures necessary to protect pollinator health.~~

~~This bill would prohibit plants or seeds that have been treated with a neonicotinoid pesticide from being planted on state-owned or state-managed lands, as described. This bill would also prohibit plants on state-owned or state-managed lands from being treated with a neonicotinoid pesticide.~~

Vote: majority. Appropriation: no. 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 as follows:
- 2 (a) Bees and other pollinators are critical to agricultural
- 3 production and native ecosystems. Bees pollinate billions of dollars
- 4 of agricultural crops in the United States, including many of
- 5 California’s most important agricultural crops.
- 6 (b) Bees are at significant risk of harm due to a condition known
- 7 as Colony Collapse Disorder (CCD). In the United States alone,
- 8 more than 25 percent of the managed bee population has
- 9 disappeared since 1990 and the number of hives is at its lowest
- 10 number in 50 years. CCD and the loss of bees is a significant threat
- 11 to our state and national food supply and economic security.
- 12 ~~(c) While there is no single cause of CCD, a substantial and~~
- 13 ~~growing body of evidence points to neonicotinoid pesticides as a~~
- 14 ~~likely factor in bee colony collapse. Neonicotinoid pesticides are~~
- 15 ~~absorbed into plant tissue, do not discriminate between target and~~
- 16 ~~nontarget insect species, and are harmful to bees, butterflies, and~~
- 17 ~~other beneficial insects.~~

1 ~~(d) The state has recognized the importance of protecting bees~~  
2 ~~by encouraging placement of bee hives on state lands such as~~  
3 ~~wildlife areas managed by the Department of Fish and Wildlife.~~

4 ~~(e) Monarch butterflies, another important native pollinator, are~~  
5 ~~also severely threatened by loss of native milkweed upon which~~  
6 ~~they depend, loss of wintering habitat in California, pesticides,~~  
7 ~~and other factors. Monarch populations are in rapid decline.~~  
8 ~~According to the annual census taken at the monarch's wintering~~  
9 ~~grounds in Mexico in 2013, the monarch population dropped by~~  
10 ~~59 percent compared to the prior year's census, bringing the~~  
11 ~~monarch's numbers to the smallest registered population in almost~~  
12 ~~two decades.~~

13 ~~(f) Vegetation maintained on lands managed by the state, such~~  
14 ~~as along roadways and utility rights-of-way, could help provide~~  
15 ~~beneficial habitat for bees, monarch butterflies, and other~~  
16 ~~pollinators if properly managed.~~

17 ~~(g) The state should exercise caution when exposing bees and~~  
18 ~~other pollinators to plants that may harm them, especially on state~~  
19 ~~lands that may be utilized by bees.~~

20 *(c) A viable and productive honeybee industry is dependent on*  
21 *access to private and public lands to secure nectar and pollen*  
22 *resources for nutritional foraging opportunities.*

23 *(d) There is a need for a streamlined and efficient method to*  
24 *provide access to public lands for California beekeepers to ensure*  
25 *that they have adequate foraging grounds for their bees.*

26 *(e) The Legislature's intended purpose in enacting Section*  
27 *1745.2 of the Fish and Game Code is to increase apiculture bee*  
28 *foraging opportunities on state lands managed by the Department*  
29 *of Fish and Wildlife, and not to affect existing apiary sites on*  
30 *department-managed lands previously approved for apiculture*  
31 *use.*

32 *(f) Due to the unique regional and seasonal nature of apiculture,*  
33 *the public interest will be best served by authorizing such uses on*  
34 *department-managed lands without competitive bidding.*

35 *SEC. 2. Section 1745.2 of the Fish and Game Code is amended*  
36 *to read:*

37 1745.2. (a) The department shall do both of the following:

38 (1) Consider—~~permitting~~ *authorizing* apiculture on  
39 department-managed wildlife areas, where deemed appropriate by  
40 the department.

1 (2) Determine, when developing or amending its land  
2 management plans, the following:

3 (A) If the department-managed wildlife areas, or any portion  
4 of the those areas, are suitable for apiculture and whether apiculture  
5 is consistent with the management goals and objectives for those  
6 areas on a temporary, seasonal, or long-term basis.

7 (B) If the administration of apiculture on department-managed  
8 wildlife areas, where deemed appropriate by the department, is  
9 meeting the management goals and objectives for those areas.

10 (C) The appropriate ~~use or permit~~ fee to be assessed for  
11 conducting apiculture on department-managed wildlife areas.

12 (b) The department, in implementing this section, may consult  
13 with apiculture experts, including, but not limited to, the  
14 Department of Food and Agriculture, the University of California,  
15 other academic or professional experts, and interested stakeholders,  
16 ~~for permitting when considering authorizing~~ apiculture on  
17 department-managed wildlife areas consistent with the respective  
18 management goals and objectives for those areas.

19 (c) Moneys collected for conducting apiculture on  
20 department-managed wildlife areas pursuant to subparagraph (C)  
21 of paragraph (2) of subdivision (a) shall be deposited by the  
22 department into the Wildlife Restoration Fund and, upon  
23 appropriation by the Legislature, be used to support the  
24 management, maintenance, restoration, and operation of  
25 department-managed wildlife areas.

26 (d) *The department may authorize the temporary placement of*  
27 *bee hives on department-managed wildlife areas through simple*  
28 *agreements specifying appropriate conditions. These agreements*  
29 *are not contracts or leases for purposes of competitive bidding*  
30 *provisions and other provisions relating to public contracts in the*  
31 *Public Contract Code and Government Code.*

32 (e) *The department may continue any authorization for*  
33 *apiculture on department-managed areas that it granted before*  
34 *January 1, 2015 without taking further action.*

35 ~~SEC. 2. Chapter 4.5 (commencing with Section 8305) is added~~  
36 ~~to Division 1 of Title 2 of the Government Code, to read:~~

1           ~~CHAPTER 4.5. PLANTING ON STATE-OWNED OR~~  
2                           ~~STATE-MANAGED LANDS~~

3  
4       ~~8305. For the purposes of this chapter:~~

5       ~~(a) “State-owned or state-managed lands” include, but are not~~  
6 ~~limited to, roadside lands owned and maintained by the Department~~  
7 ~~of Transportation, wildlife areas managed by the Department of~~  
8 ~~Fish and Wildlife, parklands managed by the Department of Parks~~  
9 ~~and Recreation, and wildlife habitat lands owned or managed by~~  
10 ~~a state conservancy.~~

11       ~~(b) “Treated” includes foliar and granular treatments, in addition~~  
12 ~~to seed coatings.~~

13       ~~8306. (a) Plants or seeds that have been treated with a~~  
14 ~~neonicotinoid pesticide shall not be planted on state-owned or~~  
15 ~~state-managed lands.~~

16       ~~(b) Plants on state-owned or state-managed lands shall not be~~  
17 ~~treated with a neonicotinoid pesticide.~~