

AMENDED IN ASSEMBLY APRIL 29, 2015

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 amend Section 1745.2 of the Fish and Game Code, relating to bees, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1259, as amended, Levine. 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.

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

Vote: ~~majority~~<sup>2/3</sup>. 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) A viable and productive honeybee industry is dependent on  
13 access to private and public lands to secure nectar and pollen  
14 resources for nutritional foraging opportunities.

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

18 (e) The Legislature’s intended purpose in enacting Section  
19 1745.2 of the Fish and Game Code ~~is~~ *was* to increase apiculture  
20 bee foraging opportunities on state lands managed by the  
21 Department of Fish and Wildlife, and not to affect existing apiary  
22 sites on department-managed lands previously approved for  
23 apiculture use.

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

27 SEC. 2. Section 1745.2 of the Fish and Game Code is amended  
28 to read:

29 1745.2. (a) The department shall do both of the following:

30 (1) Consider authorizing apiculture on department-managed  
31 wildlife areas, where deemed appropriate by the department.

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

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

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

8 (C) The appropriate fee to be assessed for conducting apiculture  
9 on department-managed wildlife areas.

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

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

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

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

33 *SEC. 3. This act is an urgency statute necessary for the*  
34 *immediate preservation of the public peace, health, or safety within*  
35 *the meaning of Article IV of the Constitution and shall go into*  
36 *immediate effect. The facts constituting the necessity are:*

37 *In order for beekeepers, who relied on and are dependent on*  
38 *prior approval from the Department of Fish and Wildlife, to place*

- 1 *their bee hives on department-managed lands for seasonal foraging*
- 2 *purposes, it is necessary for this act to take effect immediately.*

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