

AMENDED IN SENATE SEPTEMBER 1, 2015

AMENDED IN SENATE JUNE 24, 2015

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, and to add Section 14670.14 to the Government 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~~ *areas, and requires the department to determine, when developing or amending its land management plans, the appropriate use or permit fee to be assessed for conducting apiculture on department-managed wildlife areas.*

This bill would instead require the department to consider ~~authorizing~~ *authorizing, rather than permitting*, apiculture on department-managed wildlife areas. *The bill would require the department to determine the appropriate fee and lease rent to be assessed for conducting apiculture on department-managed wildlife areas, would specify that the fee determined by the department for those purposes shall be sufficient to recover the administrative and implementation costs of the department,*

*and would require the lease rent to take into account if the lease is a nonexclusive use of the land.*

The bill would authorize the department to authorize the temporary placement of beehives on department-managed wildlife areas through simple lease or permit agreements specifying appropriate conditions. ~~The bill would provide conditions and would provide~~ that these agreements are not subject to competitive bidding requirements.

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 authorizes the Director of General Services, with the consent of the agency concerned, to let any real or personal state property in accordance with specified requirements.

This bill would authorize the director to let state land for ~~commercial~~ apiary purposes, and would authorize the director to lease state land for those purposes for less than fair market value. *rent if the lease for apiary purposes does not require exclusive use of the land.*

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

Vote:  $\frac{2}{3}$ . 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.

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

4 (e) The Legislature’s intended purpose in enacting Section  
5 1745.2 of the Fish and Game Code was to ~~increase~~ *consider the*  
6 *appropriate use of the state’s wildlife areas for* apiculture bee  
7 foraging ~~opportunities on state lands managed by the Department~~  
8 ~~of Fish and Wildlife, and not to affect existing apiary sites on~~  
9 ~~department-managed lands previously approved for apiculture use.~~  
10 *opportunities.*

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

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

17 1745.2. (a) The department shall do both of the following:

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

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

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

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

29 (C) The appropriate fee *and lease rent* to be assessed for  
30 conducting apiculture on department-managed wildlife areas. *The*  
31 *amount of the fee shall be sufficient to recover, but not exceed, all*  
32 *reasonable administrative and implementation costs of the*  
33 *department. The lease rent shall take into account whether the*  
34 *lease is a nonexclusive use of the land.*

35 (b) The department, in implementing this section, may consult  
36 with apiculture experts, including, but not limited to, the  
37 Department of Food and Agriculture, the University of California,  
38 other academic or professional experts, and interested stakeholders,  
39 when considering authorizing apiculture on department-managed

1 wildlife areas consistent with the respective management goals  
2 and objectives for those areas.

3 (c) Moneys collected for conducting apiculture on  
4 department-managed wildlife areas pursuant to subparagraph (C)  
5 of paragraph (2) of subdivision (a) shall be deposited by the  
6 department into the Wildlife Restoration Fund and, upon  
7 appropriation by the Legislature, be used to support the  
8 management, maintenance, restoration, and operation of  
9 department-managed wildlife areas.

10 (d) The department may authorize the temporary placement of  
11 beehives on department-managed wildlife areas through simple  
12 lease or permit agreements specifying appropriate conditions.  
13 These agreements are not subject to competitive bidding  
14 requirements.

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

18 SEC. 3. Section 14670.14 is added to the Government Code,  
19 to read:

20 14670.14. (a) ~~Notwithstanding~~ Pursuant to Section 14670,  
21 the Director of General Services, with the consent of the agency  
22 concerned, may let for a period not to exceed five years state land  
23 for ~~commercial~~ apiary purposes.

24 (b) The director may lease state land pursuant to this section  
25 for less than fair market ~~value~~. *rent if the lease for apiary purposes*  
26 *does not require exclusive use of the land.*

27 SEC. 4. This act is an urgency statute necessary for the  
28 immediate preservation of the public peace, health, or safety within  
29 the meaning of Article IV of the Constitution and shall go into  
30 immediate effect. The facts constituting the necessity are:

31 In order for beekeepers, who relied on and are dependent on  
32 prior approval from the Department of Fish and Wildlife, to place  
33 their beehives on department-managed lands for seasonal foraging  
34 purposes, it is necessary for this act to take effect immediately.

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