

Assembly Bill No. 1259

CHAPTER 380

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.

[Approved by Governor September 30, 2015. Filed with
Secretary of State September 30, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1259, Levine. Bees: apiculture: state-owned lands.

Existing law requires the Department of Fish and Wildlife to consider permitting apiculture on department-managed wildlife 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, 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 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 apiary purposes, and would authorize the director to lease state land for those purposes for less than fair market 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.

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

SECTION 1. The Legislature finds and declares as follows:

(a) Bees and other pollinators are critical to agricultural production and native ecosystems. Bees pollinate billions of dollars of agricultural crops in the United States, including many of California's most important agricultural crops.

(b) Bees are at significant risk of harm due to a condition known as Colony Collapse Disorder (CCD). In the United States alone, more than 25 percent of the managed bee population has disappeared since 1990 and the number of hives is at its lowest number in 50 years. CCD and the loss of bees is a significant threat to our state and national food supply and economic security.

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

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

(e) The Legislature's intended purpose in enacting Section 1745.2 of the Fish and Game Code was to consider the appropriate use of the state's wildlife areas for apiculture bee foraging opportunities.

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

SEC. 2. Section 1745.2 of the Fish and Game Code is amended to read: 1745.2. (a) The department shall do both of the following:

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

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

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

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

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

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

on department-managed wildlife areas consistent with the respective management goals and objectives for those areas.

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

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

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

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

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

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

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

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