

AMENDED IN SENATE MAY 6, 2015
AMENDED IN SENATE APRIL 22, 2015

SENATE BILL

No. 798

**Introduced by Committee on Natural Resources and Water
(Senators Pavley (Chair), Allen, Fuller, Hertzberg, Hueso,
Jackson, Monning, Stone, and Wolk)**

March 18, 2015

An act to amend Section 338 of the Code of Civil Procedure, to amend Sections 205.1, 714, 1050.8, 1053.5, 1055.1, 1056, 1059, 1764, 3050, 7149.2, 7149.3, 7150, 7860, 12002.2.1, 12153, and 13005 of, and to repeal Sections 1053, 1055, 1055.4, 1055.5, 1060, 1070, 3682, 3700, 6596, 7149, 7149.4, 7180, 7181, 7182, 7183, 7184, and 7186 of, the Fish and Game Code, to amend Section 113 of the Government Code, to amend Sections 741, 8301, and 30315 of, and to repeal Section 30310.5 of, the Public Resources Code, and to amend Sections 1026, 1055, 1228.1, 1228.2, 1228.3, 1228.6, 1229, 1229.1, 1243, 1260, 1427, 1430, 1437, 1440, 1701.2, 1703, 1726, 1727, ~~1736~~, and ~~2863~~ and ~~1736~~ of, and to repeal Sections ~~1126.2~~ *1126.2*, 2862, 2863, and 2866 of, the Water Code, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 798, as amended, Committee on Natural Resources and Water. Natural resources.

(1) Existing law authorizes the Fish and Game Commission to establish, by regulation, an automatic process to conform its sport fishing regulations to federal regulations.

This bill would clarify that specified laws relating to administrative regulations and rulemaking do not apply to the conforming action implemented pursuant to the automatic process described above.

An existing regulation defines the Automated License Data System as an automated system that replaces the Department of Fish and Wildlife's paper license inventory system. Existing law generally prohibits a person from obtaining from the department more than one license, permit, reservation, or other entitlement of the same class, or more than the number of tags authorized by law, as provided, except under certain conditions. Existing law authorizes a person, as provided, to submit an application to the department, to be a license agent to issue licenses, permits, reservations, tags, and other entitlements. Existing law requires these authorized license agents to remit to the department the specified fees for these licenses, permits, reservations, tags, and other entitlements, as provided. Existing law authorizes the department to accept from any authorized license agent an affidavit for settlement of its account in lieu of licenses, permits, reservations, tags, and other entitlements that have been lost or destroyed if the license agent meets specified criteria. Existing law provides that the above provisions and various other provisions apply only to those licenses, permits, reservations, tags, or other entitlements that are not issued through the Automated License Data System.

This bill would delete those provisions and would make conforming changes.

(2) Existing law provides that the sovereignty and jurisdiction of the state extends to all places within its boundaries, as established by the Constitution. Existing law provides that the extent of the jurisdiction over places that have been or may be ceded to, purchased, or condemned by the United States is qualified by the terms of the cession or the laws under which the purchase or condemnation is made. Existing law provides that the state has accepted the retrocession of jurisdiction over certain lands, including the Presidio in the City and County of San Francisco.

Existing law provides that the Legislature consents to the retrocession of jurisdiction by the United States over land within the state, subject to certain conditions, including that the State Lands Commission holds a hearing to determine whether acceptance of the retrocession is in the best interest of the state.

This bill would provide that the Legislature, acting through the State Lands Commission, consents to the retrocession of jurisdiction by the United States over land within the state subject to additional conditions, including that a notice of the proposed retrocession has been given to the clerk for the board of supervisors of the county in which the federal

lands are located, as provided, and that the United States has agreed to bear all costs and expenses incurred by the State Lands Commission in making the retrocession. The bill would also require the acceptance of the retrocession to be made at a publicly noticed meeting of the commission.

Existing law requires, among other things, the commission to make rules and regulations governing the conditions and procedures of the hearings on retrocession.

This bill would delete these requirements.

Existing law authorizes the Governor to convey certain state lands to the United States for the site of a lighthouse, beacon, or other aid to navigation. Existing law provides that after the conveyance, the United States has jurisdiction over the tract, subject to the right of the state to have concurrent jurisdiction, as provided.

This bill would delete that provision.

(3) Existing law requires the State Board of Forestry and Fire Protection to appoint a Range Management Advisory Committee and requires 2 members on the board to be from the general public, as provided, and for one member to be nominated by the Watershed Fire Council of Southern California.

This bill would instead require 3 members to be from the general public, as provided, and would delete the nomination from the Watershed Fire Council of Southern California.

(4) Existing law requires the California Coastal Commission to meet at least once a month at a place convenient to the public.

This bill would require the commission to instead meet at least 10 times annually.

Existing law provides that no law precludes or prevents the appointment, as a public member, to the commission of any person who is not a locally elected official.

This bill would delete that provision.

(5) Existing law declares that the diversion or use of water other than as authorized by specified provisions of law is a trespass. Existing law authorizes the executive director of the State Water Resources Control Board to issue a complaint to a person who violates certain use and diversion of water provisions and subjects the violator to administrative civil liability. Existing law requires that the complaint be served by personal notice or certified mail and inform the party served that the party may request a hearing not later than 20 days from the date the party was served.

This bill would specify that the board is authorized to adopt an order setting administrative civil liability based on the allegations set forth in the complaint without a hearing, ~~unless~~ *hearing if the party does not sign a written request for a hearing signed by, or on behalf of, the party served with the complaint that is delivered to to, or received by mail by, the board within 20 days after receipt of the complaint the date the party was served.*

(6) Existing law allows a person to apply for, and the board to issue, a temporary permit for diversion and use of water, subject to certain restrictions. Existing law allows a permittee or licensee who has an urgent need to change a point of diversion, place of use, or purpose of use to petition for, and the board to issue, a temporary change order, subject to certain restrictions. *Existing law provides that the authorization for a temporary permit or a temporary change order automatically expires 180 days after the date of issuance.*

This bill would ~~authorize a temporary permit or a temporary change order to set~~ *provide that the authorization for a temporary permit or a temporary change order automatically expires 180 days after the authorization takes effect. This bill would provide that the 180-day period does not include any time required for monitoring, reporting, or mitigation requirements that apply before or after the authorization to divert or use water under the temporary permit or temporary change order.*

(7) Existing law requires the board, prior to adopting other general conditions for small irrigation use, and no later than June 30, 2012, to adopt general conditions for small irrigation use for facilities used for frost protection in a prescribed area, unless the board determines that sufficient funds are not available for that purpose.

This bill would eliminate this provision.

~~(8) Existing law provides that moneys in the Water Resources Control Board Revolving Fund may be drawn from the State Treasury upon the approval of the Department of Finance without the submission of receipts, vouchers, or itemized statements, and used by the board in paying costs of making water rights determinations.~~

~~This bill would provide that moneys in the fund may be drawn from the State Treasury, upon appropriation by the Legislature, and used by the board in paying costs of making water rights determinations.~~

~~Existing~~

~~(8) Under existing law, all fees, expenses, and penalties collected by the board under certain provisions relating to water rights~~

determinations are deposited in the Water Rights Fund. The moneys in the Water Rights Fund are available, upon appropriation by the Legislature, for, among other things, the administration of the board's water rights program.

Existing law also establishes the Water Resources Control Board Revolving Fund for similar purposes relating to rights determinations. Existing law requires the Department of Finance to review the status of the fund to determine whether there are excess amounts of money not needed to carry out these provisions and, if there are excess amounts of money, to notify the Controller to transfer the excess money to the General Fund.

This bill would repeal these the provisions relating to the Water Resources Control Board Revolving Fund.

(9) This bill would make various nonsubstantive changes, including repealing obsolete provisions.

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. Section 338 of the Code of Civil Procedure is
2 amended to read:

3 338. Within three years:

4 (a) An action upon a liability created by statute, other than a
5 penalty or forfeiture.

6 (b) An action for trespass upon or injury to real property.

7 (c) (1) An action for taking, detaining, or injuring goods or
8 chattels, including actions for the specific recovery of personal
9 property.

10 (2) The cause of action in the case of theft, as described in
11 Section 484 of the Penal Code, of an article of historical,
12 interpretive, scientific, or artistic significance is not deemed to
13 have accrued until the discovery of the whereabouts of the article
14 by the aggrieved party, his or her agent, or the law enforcement
15 agency that originally investigated the theft.

16 (3) (A) Notwithstanding paragraphs (1) and (2), an action for
17 the specific recovery of a work of fine art brought against a
18 museum, gallery, auctioneer, or dealer, in the case of an unlawful
19 taking or theft, as described in Section 484 of the Penal Code, of
20 a work of fine art, including a taking or theft by means of fraud or

1 duress, shall be commenced within six years of the actual discovery
2 by the claimant or his or her agent, of both of the following:

3 (i) The identity and the whereabouts of the work of fine art. In
4 the case where there is a possibility of misidentification of the
5 object of fine art in question, the identity can be satisfied by the
6 identification of facts sufficient to determine that the work of fine
7 art is likely to be the work of fine art that was unlawfully taken or
8 stolen.

9 (ii) Information or facts that are sufficient to indicate that the
10 claimant has a claim for a possessory interest in the work of fine
11 art that was unlawfully taken or stolen.

12 (B) This paragraph shall apply to all pending and future actions
13 commenced on or before December 31, 2017, including an action
14 dismissed based on the expiration of statutes of limitation in effect
15 prior to the date of enactment of this statute if the judgment in that
16 action is not yet final or if the time for filing an appeal from a
17 decision on that action has not expired, provided that the action
18 concerns a work of fine art that was taken within 100 years prior
19 to the date of enactment of this statute.

20 (C) For purposes of this paragraph:

21 (i) “Actual discovery,” notwithstanding Section 19 of the Civil
22 Code, does not include constructive knowledge imputed by law.

23 (ii) “Auctioneer” means an individual who is engaged in, or
24 who by advertising or otherwise holds himself or herself out as
25 being available to engage in, the calling for, the recognition of,
26 and the acceptance of, offers for the purchase of goods at an auction
27 as defined in subdivision (b) of Section 1812.601 of the Civil Code.

28 (iii) “Dealer” means a person who holds a valid seller’s permit
29 and who is actively and principally engaged in, or conducting the
30 business of, selling works of fine art.

31 (iv) “Duress” means a threat of force, violence, danger, or
32 retribution against an owner of the work of fine art in question, or
33 his or her family member, sufficient to coerce a reasonable person
34 of ordinary susceptibilities to perform an act that otherwise would
35 not have been performed or to acquiesce to an act to which he or
36 she would otherwise not have acquiesced.

37 (v) “Fine art” has the same meaning as defined in paragraph (1)
38 of subdivision (d) of Section 982 of the Civil Code.

39 (vi) “Museum or gallery” shall include any public or private
40 organization or foundation operating as a museum or gallery.

1 (4) Section 361 shall not apply to an action brought pursuant to
2 paragraph (3).

3 (5) A party in an action to which paragraph (3) applies may
4 raise all equitable and legal affirmative defenses and doctrines,
5 including, without limitation, laches and unclean hands.

6 (d) An action for relief on the ground of fraud or mistake. The
7 cause of action in that case is not deemed to have accrued until
8 the discovery, by the aggrieved party, of the facts constituting the
9 fraud or mistake.

10 (e) An action upon a bond of a public official except any cause
11 of action based on fraud or embezzlement is not deemed to have
12 accrued until the discovery, by the aggrieved party or his or her
13 agent, of the facts constituting the cause of action upon the bond.

14 (f) (1) An action against a notary public on his or her bond or
15 in his or her official capacity except that a cause of action based
16 on malfeasance or misfeasance is not deemed to have accrued until
17 discovery, by the aggrieved party or his or her agent, of the facts
18 constituting the cause of action.

19 (2) Notwithstanding paragraph (1), an action based on
20 malfeasance or misfeasance shall be commenced within one year
21 from discovery, by the aggrieved party or his or her agent, of the
22 facts constituting the cause of action or within three years from
23 the performance of the notarial act giving rise to the action,
24 whichever is later.

25 (3) Notwithstanding paragraph (1), an action against a notary
26 public on his or her bond or in his or her official capacity shall be
27 commenced within six years.

28 (g) An action for slander of title to real property.

29 (h) An action commenced under Section 17536 of the Business
30 and Professions Code. The cause of action in that case shall not
31 be deemed to have accrued until the discovery by the aggrieved
32 party, the Attorney General, the district attorney, the county
33 counsel, the city prosecutor, or the city attorney of the facts
34 constituting grounds for commencing the action.

35 (i) An action commenced under the Porter-Cologne Water
36 Quality Control Act (Division 7 (commencing with Section 13000)
37 of the Water Code). The cause of action in that case shall not be
38 deemed to have accrued until the discovery by the State Water
39 Resources Control Board or a regional water quality control board

1 of the facts constituting grounds for commencing actions under
2 their jurisdiction.

3 (j) An action to recover for physical damage to private property
4 under Section 19 of Article I of the California Constitution.

5 (k) An action commenced under Division 26 (commencing with
6 Section 39000) of the Health and Safety Code. These causes of
7 action shall not be deemed to have accrued until the discovery by
8 the State Air Resources Board or by a district, as defined in Section
9 39025 of the Health and Safety Code, of the facts constituting
10 grounds for commencing the action under its jurisdiction.

11 (l) An action commenced under Section 1602, 1615, or 5650.1
12 of the Fish and Game Code. These causes of action shall not be
13 deemed to have accrued until discovery by the agency bringing
14 the action of the facts constituting the grounds for commencing
15 the action.

16 (m) An action challenging the validity of the levy upon a parcel
17 of a special tax levied by a local agency on a per parcel basis.

18 (n) An action commencing under Section 51.7 of the Civil Code.

19 SEC. 2. Section 205.1 of the Fish and Game Code is amended
20 to read:

21 205.1. (a) The commission may establish by regulation an
22 automatic process to conform its sport fishing regulations to federal
23 regulations.

24 (b) Chapter 3.5 (commencing with Section 11340) of Part 1 of
25 Division 3 of Title 2 of the Government Code shall not apply to
26 conforming actions implemented pursuant to the automatic process
27 specified in subdivision (a).

28 (c) The department shall provide public notice of a conforming
29 action implemented pursuant to this section.

30 SEC. 3. Section 714 of the Fish and Game Code is amended
31 to read:

32 714. (a) In addition to Section 3031, 3031.2, 7149.05, or
33 7149.2 and notwithstanding Section 3037, the department shall
34 issue lifetime sportsman's licenses pursuant to this section. A
35 lifetime sportsman's license authorizes the taking of birds,
36 mammals, fish, reptiles, or amphibia anywhere in this state in
37 accordance with law for purposes other than profit for the life of
38 the person to whom issued unless revoked for a violation of this
39 code or regulations adopted pursuant to this code. A lifetime
40 sportsman's license is not transferable. A lifetime sportsman's

1 license does not include any special tags, stamps, or other
2 entitlements.

3 (b) A lifetime sportsman’s license may be issued to residents,
4 as follows:

5 (1) To a person 62 years of age or over upon payment of a base
6 fee of seven hundred thirty dollars (\$730).

7 (2) To a person 40 years of age or over and less than 62 years
8 of age upon payment of a base fee of one thousand eighty dollars
9 (\$1,080).

10 (3) To a person 10 years of age or over and less than 40 years
11 of age upon payment of a base fee of one thousand two hundred
12 dollars (\$1,200).

13 (4) To a person less than 10 years of age upon payment of a
14 base fee of seven hundred thirty dollars (\$730).

15 (c) This section does not require a person less than 16 years of
16 age to obtain a license to take fish, reptiles, or amphibia for
17 purposes other than profit or to obtain a license to take birds or
18 mammals, except as required by law.

19 (d) This section does not exempt an applicant for a license from
20 meeting other qualifications or requirements otherwise established
21 by law for the privilege of sport hunting or sport fishing.

22 (e) Upon payment of a base fee of four hundred forty-five dollars
23 (\$445), a person holding a lifetime hunting license or lifetime
24 sportsman’s license shall be issued annually one deer tag
25 application pursuant to subdivision (a) of Section 4332 and five
26 wild pig tags issued pursuant to Section 4654. Lifetime privileges
27 issued pursuant to this subdivision are not transferable.

28 (f) Upon payment of a base fee of two hundred ten dollars
29 (\$210), a person holding a lifetime hunting license or lifetime
30 sportsman’s license shall be entitled annually to the privileges
31 afforded to a person holding a state duck stamp or validation issued
32 pursuant to Section 3700.1 and an upland game bird stamp or
33 validation issued pursuant to Section 3682.1. Lifetime privileges
34 issued pursuant to this subdivision are not transferable.

35 (g) The base fees specified in this section are applicable
36 commencing January 1, 2004, and shall be adjusted annually
37 thereafter pursuant to Section 713.

38 (h) The commission shall adjust the amount of the fees specified
39 in subdivision (g), as necessary, to fully recover, but not exceed,

1 all reasonable administrative implementation costs of the
2 department and the commission relating to those licenses.

3 SEC. 4. Section 1050.8 of the Fish and Game Code is amended
4 to read:

5 1050.8. (a) The department may issue collectible,
6 commemorative licenses to any person for purposes of promoting
7 and supporting licensed hunting, fishing, and resource conservation,
8 subject to all of the following:

9 (1) A commemorative license may be designed and produced
10 as the department may determine and shall be clearly marked and
11 identified as a commemorative license, rendering it invalid for the
12 take of any mammal, bird, fish, reptile, or amphibian.

13 (2) A commemorative license shall not confer any rights,
14 privileges, or other entitlements to any person purchasing or in
15 possession of such a license.

16 (3) Subdivision (a) of Section 1052, Section 1053.1, Article 2
17 (commencing with Section 3031) of Chapter 1 of Part 1 of Division
18 4, and Article 3 (commencing with Section 7145) of Chapter 1 of
19 Part 2 of Division 6 do not apply to the purchase of a
20 commemorative license. A commemorative license shall not qualify
21 as evidence required in subdivision (a) of Section 3050.

22 (b) All funds derived from the sale of commemorative licenses
23 shall be deposited in the Fish and Game Preservation Fund.

24 SEC. 5. Section 1053 of the Fish and Game Code is repealed.

25 SEC. 6. Section 1053.5 of the Fish and Game Code is amended
26 to read:

27 1053.5. Applicants for hunting licenses pursuant to subdivision
28 (a) of Section 1053.1 shall first satisfactorily complete a hunter
29 education equivalency examination and obtain a certificate of
30 equivalency as provided by regulations adopted by the commission,
31 or show proof of completion of a hunter education training course,
32 or show a previous year’s hunting license.

33 SEC. 7. Section 1055 of the Fish and Game Code is repealed.

34 SEC. 8. Section 1055.1 of the Fish and Game Code is amended
35 to read:

36 1055.1. (a) Any person, except a commissioner, officer, or
37 employee of the department, may submit an application to the
38 department to be a license agent to issue licenses, permits,
39 reservations, tags, or other entitlements.

1 (b) A person shall only be authorized to be a license agent to
2 issue licenses, permits, reservations, tags, and other entitlements,
3 upon the written approval of the department.

4 (c) The department may provide licenses, permits, reservations,
5 tags, or other entitlements to authorized license agents and shall
6 collect, prior to delivery, an amount equal to the fees for all
7 licenses, permits, reservations, tags and other entitlements
8 provided. Any license agent who pays the fees prior to delivery
9 for licenses, permits, reservations, tags, or other entitlements is
10 exempt from Sections 1056, 1057, and 1059. Any licenses, permits,
11 reservations, tags, or other entitlements provided pursuant to this
12 subdivision that remain unissued at the end of the license year may
13 be returned to the department for refund or credit, or a combination
14 thereof, within six months of the item expiration date. No credit
15 may be allowed after six months following the last day of the
16 license year.

17 (d) Authorized license agents shall add a handling charge to the
18 fees prescribed in this code or in regulations adopted pursuant to
19 this code for any license, permit, reservation, tag, and other
20 entitlement issued by the license agent in an amount that is 5
21 percent of the face value of the item rounded to the nearest five
22 cents (\$0.05).

23 (e) The handling charge added pursuant to subdivision (d) shall
24 be incorporated into the total amount collected for issuing the
25 license, permit, reservation, tag, and other entitlement, but the
26 handling charge shall not be included when determining license
27 fees in accordance with Section 713. A license agent may issue
28 any license, permit, reservation, tag, or other entitlement for any
29 amount up to 10 percent less than the fee prescribed in this code
30 or in regulations adopted pursuant to this code. The license agent
31 shall remit to the department the full amount of the fees as
32 prescribed in this code or in regulations adopted pursuant to this
33 code for all licenses, permits, reservations, tags, and other
34 entitlements issued.

35 (f) The handling charge required by subdivision (d) is the license
36 agent's only compensation for services. The license agent shall
37 not be entitled to any other additional fee or charge for issuing any
38 license, permit, reservation, tag, or other entitlement authorized
39 pursuant to this section.

1 (g) The department may designate a nonprofit organization,
2 organized pursuant to the laws of this state, or the California
3 chapter of a nonprofit organization, organized pursuant to the laws
4 of another state, as a license agent for the sale of lifetime licenses
5 issued pursuant to Sections 714, 3031.2, and 7149.2. These licenses
6 may be sold by auction or by other methods and are not subject to
7 the fee limitations prescribed in this code. An agent authorized to
8 issue lifetime sport fishing licenses, lifetime hunting licenses, and
9 lifetime sportsman's licenses under this subdivision is exempt
10 from subdivisions (d) and (f). The license agent shall remit to the
11 department the fees from the sale of lifetime licenses as defined
12 in Sections 714, 3031.2, and 7149.2.

13 (h) This section applies only to licenses, permits, reservations,
14 tags, and other entitlements issued through the Automated License
15 Data System.

16 SEC. 9. Section 1055.4 of the Fish and Game Code is repealed.

17 SEC. 10. Section 1055.5 of the Fish and Game Code is
18 repealed.

19 SEC. 11. Section 1056 of the Fish and Game Code is amended
20 to read:

21 1056. A license agent who fails to transmit the fees or
22 accounting reports required by Section 1055.6 not later than 60
23 days following the due date as specified by the department may
24 be required to execute, in favor of the department, a bond, payable
25 to the department, in a sum determined by the department in order
26 to continue as a license agent. The bond shall secure the accurate
27 accounting and payment to the department of the funds collected
28 and the performance of the duties imposed upon the license agent
29 by this article.

30 SEC. 12. Section 1059 of the Fish and Game Code is amended
31 to read:

32 1059. (a) The failure or refusal of any license agent to account
33 for licenses, permits, reservations, tags, and other entitlements, or
34 any fees received from their issuance as required by Section 1055.6
35 or upon demand by an authorized representative of the department
36 is a misdemeanor.

37 (b) In addition to subdivision (a), any license agent who fails
38 to remit fees to the department on or before the date required by
39 Section 1055.6 shall pay interest and penalties prescribed for sales
40 and use taxes and, except as otherwise provided in this code, the

1 department shall collect amounts owing under the procedures
2 prescribed for sales and use taxes provided in Chapter 5
3 (commencing with Section 6451) and Chapter 6 (commencing
4 with Section 6701) of Part 1 of Division 2 of the Revenue and
5 Taxation Code, insofar as they may be applicable, and for those
6 purposes, “board” means the department.

7 SEC. 13. Section 1060 of the Fish and Game Code is repealed.

8 SEC. 14. Section 1070 of the Fish and Game Code is repealed.

9 SEC. 15. Section 1764 of the Fish and Game Code is amended
10 to read:

11 1764. (a) The director shall designate those particular areas
12 of land managed by the department at which possession of a valid
13 annual wildlife pass or day use pass shall be required. No
14 designation shall be effective until a management plan for the area
15 has been presented at a public meeting and the plan has been
16 approved by the director.

17 (b) No person shall enter the designated area unless that person
18 possesses an annual wildlife area pass or a day use pass issued
19 pursuant to Section 1765, a valid hunting license issued pursuant
20 to Section 3031, a valid trapping license issued pursuant to Section
21 4006, or a valid sportfishing license issued pursuant to Section
22 7149.05, 7150, or 7151, or that person is a member of a tour by
23 an organized youth or school group that has been issued a day use
24 pass.

25 (c) Notwithstanding subdivision (b), possession of a license or
26 pass shall not be required of any person who:

27 (1) Is passing through the area on a public right-of-way.

28 (2) Possesses authorization by the commission or the department
29 to conduct scientific or educational research.

30 (3) Is discharging duties in the course of employment, as
31 specified by the department.

32 (4) Possesses written authorization from the department to enter
33 the area for a specific purpose.

34 SEC. 16. Section 3050 of the Fish and Game Code is amended
35 to read:

36 3050. (a) No hunting license may be issued to any person
37 unless he or she presents to the person authorized to issue that
38 license any of the following:

39 (1) Evidence that he or she has held a hunting license issued by
40 this state in a prior year.

1 (2) Evidence that he or she holds a current hunting license, or
2 a hunting license issued in either of the two previous hunting years
3 by another state or province.

4 (3) A certificate of completion of a course in hunter education,
5 principles of conservation, and sportsmanship, as provided in this
6 article. A hunter education instruction validation stamp shall be
7 permanently affixed to certificates of completion that have been
8 issued before January 1, 2008.

9 (4) A certificate of successful completion of a hunter education
10 course in another state or province.

11 (5) Evidence of completion of a course in hunter education,
12 principles of conservation, and sportsmanship, which the
13 commission may, by regulation, require.

14 (b) The evidence required in subdivision (a) shall be forwarded
15 to the department.

16 (c) Subdivision (a) does not apply to any person purchasing a
17 hunting license under paragraph (5) of subdivision (a) of Section
18 3031. However, that license shall not qualify as evidence required
19 in subdivision (a) of this section.

20 SEC. 17. Section 3682 of the Fish and Game Code is repealed.

21 SEC. 18. Section 3700 of the Fish and Game Code is repealed.

22 SEC. 19. Section 6596 of the Fish and Game Code is repealed.

23 SEC. 20. Section 7149 of the Fish and Game Code is repealed.

24 SEC. 21. Section 7149.2 of the Fish and Game Code is
25 amended to read:

26 7149.2. (a) In addition to Sections 714 and 7149.05, the
27 department shall issue a lifetime sport fishing license under this
28 section. A lifetime sport fishing license authorizes the taking of
29 fish, amphibians, or reptiles anywhere in this state in accordance
30 with the law for purposes other than profit for the life of the person
31 to whom issued unless revoked for a violation of this code or
32 regulations adopted under this code. A lifetime sport fishing license
33 is not transferable. A lifetime sport fishing license does not include
34 any special tags, stamps, or fees.

35 (b) A lifetime sport fishing license may be issued to residents
36 of this state, as follows:

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

1 (2) To a person 40 years of age or over and less than 62 years
2 of age, upon payment of a base fee of five hundred forty dollars
3 (\$540).

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

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

8 (c) Nothing in this section requires a person less than 16 years
9 of age to obtain a license to take fish, amphibians, or reptiles for
10 purposes other than profit.

11 (d) Nothing in this section exempts a license applicant from
12 meeting other qualifications or requirements otherwise established
13 by law for the privilege of sport fishing.

14 (e) Upon payment of a base fee of two hundred forty-five dollars
15 (\$245), a person holding a lifetime sport fishing license or lifetime
16 sportsman's license shall be entitled annually to the privileges
17 afforded to a person holding a second-rod stamp or validation
18 issued pursuant to Section 7149.45, a sport fishing ocean
19 enhancement stamp or validation issued pursuant to subdivision
20 (a) of Section 6596.1, one steelhead trout report restoration card
21 issued pursuant to Section 7380, and one salmon punchcard issued
22 pursuant to regulations adopted by the commission. Lifetime
23 privileges issued pursuant to this subdivision are not transferable.

24 (f) The base fees specified in this section are applicable
25 commencing January 1, 2004, and shall be adjusted annually
26 thereafter pursuant to Section 713.

27 SEC. 22. Section 7149.3 of the Fish and Game Code is
28 amended to read:

29 7149.3. Notwithstanding Section 7149.05, a sport fishing
30 license is not required for a resident to take a rattlesnake (genus
31 *Crotalus* or *Sistrurus*).

32 SEC. 23. Section 7149.4 of the Fish and Game Code is
33 repealed.

34 SEC. 24. Section 7150 of the Fish and Game Code is amended
35 to read:

36 7150. (a) Upon application to the department's headquarters
37 office in Sacramento and payment of a base fee of four dollars
38 (\$4), as adjusted pursuant to Section 713, the following persons,
39 who have not been convicted of any violation of this code, shall
40 be issued a reduced fee sport fishing license that is valid for one

1 year as specified in paragraphs (1) and (2) of subdivision (a) of
2 Section 7149.05 and that authorizes the licensee to take any fish,
3 reptile, or amphibians anywhere in this state as otherwise
4 authorized pursuant to this code and regulations adopted pursuant
5 thereto for purposes other than profit:

6 (1) A disabled veteran having a 50 percent or greater
7 service-connected disability upon presentation of proof of an
8 honorable discharge from military service and proof of the
9 disability. Proof of the disability shall be by certification from the
10 United States Veterans Administration or by presentation of a
11 license issued pursuant to this paragraph in the preceding license
12 year.

13 (2) A member of the military who is a “recovering service
14 member” pursuant to Section 1602(7) of the federal National
15 Defense Authorization Act for Fiscal Year 2008 (Public Law
16 110-181). A person shall be eligible for a reduced fee sport fishing
17 license pursuant to this paragraph upon the submission of a letter,
18 online or in hardcopy, to the department from that person’s
19 commanding officer or from a military medical doctor stating that
20 the person is a recovering service member.

21 (3) A person over 65 years of age who is a resident of this state
22 and whose total monthly income from all sources, including any
23 old age assistance payments, does not exceed the amount in effect
24 on September 1 of each year contained in subdivision (c) of Section
25 12200 of the Welfare and Institutions Code for single persons or
26 subdivision (d) of Section 12200 of the Welfare and Institutions
27 Code combined income for married persons, as adjusted pursuant
28 to that section. The amount in effect on September 1 of each year
29 shall be the amount used to determine eligibility for a reduced fee
30 license during the following calendar year.

31 (b) A person applying for a reduced fee sport fishing license
32 shall submit adequate documentation for the department to
33 determine whether the applicant is, in fact, eligible for a reduced
34 fee sport fishing license. The documentation shall be in the form
35 of a letter or other document, as specified by the department, from
36 a public agency, except as provided in paragraphs (1) and (2) of
37 subdivision (a). The department shall not issue a reduced fee sport
38 fishing license to any person unless it is satisfied that the applicant
39 has provided adequate documentation of eligibility for that license.

1 (c) The adjustment of the base fee pursuant to Section 713
2 specified in subdivision (a) shall be applicable to the fishing license
3 years beginning on or after January 1, 1996.

4 SEC. 25. Section 7180 of the Fish and Game Code is repealed.

5 SEC. 26. Section 7181 of the Fish and Game Code is repealed.

6 SEC. 27. Section 7182 of the Fish and Game Code is repealed.

7 SEC. 28. Section 7183 of the Fish and Game Code is repealed.

8 SEC. 29. Section 7184 of the Fish and Game Code is repealed.

9 SEC. 30. Section 7186 of the Fish and Game Code is repealed.

10 SEC. 31. Section 7860 of the Fish and Game Code is amended
11 to read:

12 7860. (a) Except as provided in subdivision (f) or (g), no
13 person who is 18 years of age or more and less than 70 years of
14 age, on or before April 1 of the current license year, shall take
15 salmon for commercial purposes or be on board a vessel on which
16 salmon are taken for commercial purposes while salmon are being
17 taken or transported unless that person has a commercial fishing
18 salmon stamp issued pursuant to this section affixed to his or her
19 commercial fishing license.

20 (b) Except as provided in subdivision (f) or (g), the operator of
21 a vessel on which salmon are taken for commercial purposes shall
22 not permit a person on board that vessel while salmon are being
23 taken or transported unless that person was less than 18 years of
24 age or 70 years of age or more on April 1 of the current license
25 year or that person has a commercial fishing salmon stamp affixed
26 to the person's commercial fishing license.

27 (c) Except as provided in this subdivision, the department shall
28 issue a commercial fishing salmon stamp upon application therefor
29 and payment of the fee of eighty-five dollars (\$85). For any
30 commercial salmon season preceded by a commercial salmon
31 season in which the commercial troll salmon landings in this state
32 equal or exceed 3,000,000 pounds dressed weight, as determined
33 by the department, the fee shall be increased by twelve dollars and
34 fifty cents (\$12.50) for every 250,000 pounds over 3,000,000
35 pounds of dressed weight landings, except that the total fees as
36 adjusted shall not exceed two hundred sixty dollars (\$260).

37 (d) A commercial fishing salmon stamp is valid during the
38 commercial salmon season of the year in which it was issued.

39 (e) Upon application and payment of an additional fee equal to
40 that prescribed in subdivision (c), the department may issue an

1 additional commercial fishing salmon stamp for a crewmember to
2 the owner or operator of a vessel who holds a commercial fishing
3 salmon stamp.

4 (f) Notwithstanding subdivision (a), one crewmember of a vessel
5 for which a commercial fishing salmon stamp is issued pursuant
6 to subdivision (e) may be aboard that vessel and take salmon for
7 commercial purposes as a crewmember on that vessel without
8 obtaining a commercial fishing salmon stamp under the following
9 conditions:

10 (1) The crewmember is designated by name and commercial
11 fishing license number on a form furnished by the department
12 before salmon are taken on the vessel when that crewmember is
13 aboard.

14 (2) The crewmember has a valid commercial fishing license
15 issued under Section 7850.

16 (3) The commercial fishing salmon stamp for the crewmember
17 is affixed to the form prescribed in paragraph (1) on which the
18 vessel registration number of the vessel is entered and on which
19 the crewmember who is exempted by this subdivision is designated
20 by the last entered name and commercial fishing license number.

21 (g) Persons who are exempt from the license requirements, or
22 who are not required to be licensed, pursuant to Section 7850, are
23 exempt from the requirements of this section.

24 SEC. 32. Section 12002.2.1 of the Fish and Game Code is
25 amended to read:

26 12002.2.1. (a) Notwithstanding any other provision of law, a
27 violation of any of the following is an infraction, punishable by a
28 fine of not less than fifty dollars (\$50), or more than two hundred
29 fifty dollars (\$250), for a first offense:

30 (1) Subdivision (a) of Section 6596.1.

31 (2) Subdivision (a) of Section 7149.45.

32 (3) Subdivision (b) of Section 7180.1.

33 (4) Section 1.18 of Title 14 of the California Code of
34 Regulations.

35 (b) If a person is convicted of a violation of any of the sections
36 listed in subdivision (a) within five years of a separate offense
37 resulting in a conviction of a violation of any of those sections,
38 that person shall be punished by a fine of not less than one hundred
39 dollars (\$100) or more than five hundred dollars (\$500).

1 (c) If a person convicted of a violation of any of the sections
2 listed in subdivision (a) produces in court the applicable sport
3 fishing ocean enhancement stamp, sport fishing ocean enhancement
4 validation, second rod sport fishing stamp, second rod sport fishing
5 validation, Colorado River special use stamp, Colorado River
6 special use validation, Bay-Delta Sport Fishing Enhancement
7 Stamp or Bay-Delta Sport Fishing Enhancement validation issued
8 pursuant to this code and valid at the time of the person's arrest,
9 and if the taking was otherwise lawful with respect to season, limit,
10 time, and area, the court may reduce the fine imposed for the
11 violation to twenty-five dollars (\$25).

12 SEC. 33. Section 12153 of the Fish and Game Code is amended
13 to read:

14 12153. A commercial fishing license is forfeited for the
15 violation of Sections 1050.1 to 1060, inclusive, or Section 2012,
16 or of any of the provisions of this code relating to the use of nets.

17 SEC. 34. Section 13005 of the Fish and Game Code is amended
18 to read:

19 13005. (a) Notwithstanding Section 13001, the fees collected
20 from lifetime sportsman's licenses and privileges issued pursuant
21 to Section 714, lifetime hunting licenses and privileges issued
22 pursuant to Section 3031.2, and lifetime sport fishing licenses and
23 privileges issued pursuant to Section 7149.2 shall be deposited as
24 follows:

25 (1) Twenty dollars (\$20) from the initial issuance of each
26 lifetime license shall be deposited in the Fish and Game
27 Preservation Fund for use in accordance with Section 711.

28 (2) The balance of the fees collected shall be deposited in the
29 Lifetime License Trust Account which is hereby created in the
30 Fish and Game Preservation Fund. Except as provided in this
31 section, that principal amount of the money in the account from
32 the fee for a lifetime license shall not be used, except for
33 investment.

34 (b) The money in the Lifetime License Trust Account may be
35 transferred and invested through the Surplus Money Investment
36 Fund and all interest shall accrue to the account pursuant to
37 subdivision (g) of Section 16475 of the Government Code.

38 (c) Upon issuance of a lifetime license or lifetime privilege
39 issued pursuant to Section 714, 3031.2, or 7149.2, the department

1 shall transfer the following amounts from the Lifetime License
2 Trust Account to the Fish and Game Preservation Fund:

3 (1) Twenty-nine dollars and twenty-five cents (\$29.25) for an
4 annual resident hunting license or an annual resident sport fishing
5 license.

6 (2) Seven dollars and twenty-five cents (\$7.25) for a junior
7 hunting license.

8 (3) Nine dollars and twenty-five cents (\$9.25) for one second-rod
9 stamp or validation issued pursuant to Section 7149.45.

10 (4) Two dollars and fifty cents (\$2.50) for one sport fishing
11 ocean enhancement stamp or validation issued pursuant to
12 subdivision (a) of Section 6596.1.

13 (5) Three dollars and seventy-five cents (\$3.75) for one steelhead
14 trout catch report-restoration card issued pursuant to Section 7380.

15 (6) One dollar (\$1) for one salmon punchcard issued pursuant
16 to regulations adopted by the commission.

17 (7) Nineteen dollars and twenty-five cents (\$19.25) for a deer
18 tag application issued pursuant to subdivision (a) of Section 4332.

19 (8) Eight dollars and seventy-five cents (\$8.75) for five wild
20 pig tags issued pursuant to Section 4654.

21 (9) Ten dollars (\$10) for one state duck stamp or validation
22 issued pursuant to Section 3700.1.

23 (10) Six dollars and twenty-five cents (\$6.25) for one upland
24 game bird stamp or validation issued pursuant to Section 3682.1.

25 SEC. 35. Section 113 of the Government Code is amended to
26 read:

27 113. The Legislature, acting through the State Lands
28 Commission, hereby consents to the retrocession of jurisdiction
29 by the United States over land within this state upon and subject
30 to each and all of the following express conditions:

31 (a) The United States must in writing have requested state
32 acceptance of the retrocession, and unless there is an officer of the
33 United States empowered by a United States statute to retrocede
34 jurisdiction, the request shall be by the act of Congress. The
35 retrocession may return all jurisdiction to the state or may provide
36 for concurrent jurisdiction.

37 (b) The proposed retrocession is in the best interest of the state.

38 (c) A notice of the proposed retrocession has been given to the
39 clerk for the board of supervisors of each county in which the

1 federal lands are located at least 15 days before the proposed
2 retrocession is considered by the State Lands Commission.

3 (d) The United States has agreed to bear all costs and expenses
4 incurred by the State Lands Commission in making the
5 retrocession.

6 (e) The acceptance of the retrocession shall be made at a publicly
7 noticed meeting of the State Lands Commission. The determination
8 of the State Lands Commission shall be final and the retrocession
9 of jurisdiction accepted shall become effective when certified
10 copies of its orders or resolutions have been recorded in the office
11 of the county recorder of each county in which any part of the land
12 is situated. The State Lands Commission shall keep copies of its
13 orders or resolutions and make them available to the public upon
14 request.

15 SEC. 36. Section 741 of the Public Resources Code is amended
16 to read:

17 741. (a) The board shall appoint a Range Management
18 Advisory Committee and shall consult with the advisory committee
19 on rangeland resource issues under consideration by the board.

20 (b) The advisory committee shall consist of 11 members, who
21 shall be selected as follows:

22 (1) Three members of the general public, who have an interest
23 and background in the conservation of range resources or special
24 knowledge in the protection of range and brushland soils and
25 watersheds.

26 (2) One member nominated by the California Association of
27 Resource Conservation Districts.

28 (3) Seven members nominated by organizations representing
29 owners of range and brushlands.

30 (c) Members of the advisory committee shall serve without
31 compensation.

32 (d) The Secretary of the Natural Resources Agency, the
33 Secretary for Environmental Protection, and the Secretary of Food
34 and Agriculture shall notify the advisory committee of, and are
35 encouraged to consult with the advisory committee on, rangeland
36 resource issues that are under consideration by the Natural
37 Resources Agency, the California Environmental Protection
38 Agency, and the Department of Food and Agriculture, respectively.

39 SEC. 37. Section 8301 of the Public Resources Code is
40 amended to read:

1 8301. The Governor, on application therefor by a duly
2 authorized agent, may convey to the United States a tract of land
3 that does not exceed 10 acres, belonging to the state and covered
4 by navigable waters, for the site of a lighthouse, beacon, or other
5 aid to navigation.

6 ~~SEC. 38. Section 30310.5 of the Public Resources Code is~~
7 ~~repealed.~~

8 *SEC. 38. Section 30310.5 of the Public Resources Code is*
9 *repealed.*

10 ~~30310.5. No provision of this division or any other law,~~
11 ~~including any doctrine of common law, shall preclude or prevent~~
12 ~~the appointment, as a public member, to the commission of any~~
13 ~~person who is not a locally elected official.~~

14 SEC. 39. Section 30315 of the Public Resources Code is
15 amended to read:

16 30315. (a) The commission shall meet at least 10 times
17 annually at a place convenient to the public. All meetings of the
18 commission shall be open to the public.

19 (b) A majority of the total appointed membership of the
20 commission shall constitute a quorum. An action taken by the
21 commission under this division requires a majority vote of the
22 members present at the meeting of the commission, with a quorum
23 being present, unless otherwise specifically provided for in this
24 division.

25 SEC. 40. Section 1026 of the Water Code is amended to read:

26 1026. The lead agency shall not approve a water lease until 30
27 days after the board provides written public notice, including notice
28 by personal delivery or registered mail to legal users of water
29 which may be affected by the lease, as identified by the board, the
30 Department of Fish and Wildlife, and any party requesting special
31 notice of water leases pursuant to this chapter. The water lessor
32 shall pay a reasonable fee, in an amount determined by the state
33 board, for the cost of providing the notice.

34 SEC. 41. Section 1055 of the Water Code is amended to read:

35 1055. (a) The executive director of the board may issue a
36 complaint to any person or entity on which administrative civil
37 liability may be imposed pursuant to Section 1052, Article 4
38 (commencing with Section 1845) of Chapter 12 of Part 2 of
39 Division 2, or Section 5107. The complaint shall allege the act or
40 failure to act that constitutes a trespass or violation, the provision

1 of law authorizing civil liability to be imposed, and the proposed
2 civil liability.

3 (b) The complaint shall be served by personal notice or certified
4 ~~mail, and mail. The complaint~~ shall inform the party served that
5 the party may request a hearing not later than 20 days from the
6 date the party was ~~served~~. ~~served and that the board may adopt an~~
7 ~~order setting administrative civil liability based on the allegations~~
8 ~~set forth in the complaint without a hearing if the party does not~~
9 ~~sign a written request for a hearing that is delivered to, or received~~
10 ~~by mail by, the board within 20 days after the date the party was~~
11 ~~served. The hearing shall be before the board or a member of the~~
12 ~~board, in accordance with Section 183. The board may adopt an~~
13 ~~order setting administrative civil liability based on the allegations~~
14 ~~set forth in the complaint without a hearing, unless a written request~~
15 ~~for a hearing signed by, or on behalf of, the party served with the~~
16 ~~complaint is delivered to or received by mail by the board within~~
17 ~~20 days after the date the party was served.~~

18 (c) The board, after any necessary hearing, may adopt an order
19 setting administrative civil liability, or determining that a liability
20 shall not be imposed.

21 (d) Orders setting administrative civil liability shall become
22 effective and final upon issuance thereof and payment shall be
23 made.

24 SEC. 42. Section 1126.2 of the Water Code is repealed.

25 SEC. 43. Section 1228.1 of the Water Code is amended to read:

26 1228.1. (a) The Legislature finds and declares that it is in the
27 public interest to provide a timely, efficient, and economic
28 procedure for the acquisition of rights to appropriate water for a
29 small domestic use, including incidental stock watering and
30 irrigation uses, a small irrigation use, and for a livestock stockpond
31 subject to prior rights.

32 (b) As used in this article:

33 (1) “Small domestic use” means a domestic use, as that use is
34 defined by board rule, or a use for aesthetic, fire protection,
35 recreational, or fish and wildlife purposes that is associated with
36 a dwelling or other facility for human occupation, that does not
37 exceed direct diversion of 4,500 gallons per day or diversion to
38 storage of 10 acre-feet per year.

39 (2) “Small irrigation use” means either of the following:

1 (A) An irrigation use, heat control use, or frost protection use,
2 not to exceed diversion to storage of 20 acre-feet per year,
3 including impoundment for incidental aesthetic, fire protection,
4 recreational, or fish and wildlife purposes.

5 (B) An irrigation use not to exceed direct diversion of 42,000
6 gallons per day, up to a maximum of 20 acre-feet per year.

7 (3) “Livestock stockpond” means a water impoundment structure
8 constructed for livestock watering use not to exceed direct
9 diversion of 4,500 gallons per day, or diversion to storage of 10
10 acre-feet per year, as that use is defined by the board, and including
11 impoundment for incidental aesthetic, fire protection, recreational,
12 or fish and wildlife purposes.

13 SEC. 44. Section 1228.2 of the Water Code is amended to read:

14 1228.2. (a) (1) Subject to subdivision (b), a person may obtain
15 a right to appropriate water for a small domestic, small irrigation,
16 or livestock stockpond use upon first registering the use with the
17 board and thereafter applying the water to reasonable and beneficial
18 use with due diligence.

19 (2) With regard to an appropriation for small domestic use, a
20 registration shall not be filed for a facility served by or used
21 pursuant to a permit or license for domestic or municipal use, and
22 not more than one small domestic use registration shall be in effect
23 at any time for any facility. A small domestic use registration and
24 a livestock stockpond use registration may be in effect for the same
25 facility if the total combined water use covered by the registrations
26 does not exceed 10 acre-feet per year.

27 (3) With regard to an appropriation for small irrigation use,
28 more than one registration may be in effect at any time for a
29 registrant if the diversion or storage facilities subject to registration
30 for a registrant do not exceed the ratio of one per 20 irrigated acres,
31 and if the total water use on all acreage covered by the registrations,
32 including any water use based on other rights, does not exceed
33 100 acre-feet per year.

34 (4) A small domestic use registration and a small irrigation use
35 registration, or a livestock stockpond use registration and a small
36 irrigation use registration, may be in effect for the same facility
37 only if the total combined water use covered by the registrations
38 does not exceed 20 acre-feet per year.

39 (5) With regard to an appropriation for livestock stockpond use,
40 more than one registration may be in effect at any time for a

1 registrant if stockponds subject to registration for that registrant
2 do not exceed the ratio of one per 50 acres.

3 (b) Initiation of rights to appropriate water pursuant to this article
4 shall be subject to Article 1.3 (commencing with Section 1205),
5 relating to fully appropriated stream systems. The board shall not
6 accept a registration of water use which proposes as a source of
7 water supply a stream system which has been unconditionally
8 declared by the board to be fully appropriated pursuant to Section
9 1205, except that subdivision (b) of Section 1206, relating to
10 conditional declarations of fully appropriated stream systems, shall
11 apply to registration of water use pursuant to this article, and the
12 board shall accept those registrations where consistent with the
13 conditions specified in the declaration.

14 (c) The board shall annually prepare and post on its Internet
15 Web site information summarizing the location, nature, and amount
16 of water appropriated pursuant to this article. The information shall
17 include a description of the availability of unappropriated water
18 in those stream systems which may become fully appropriated
19 within the next reporting period.

20 (d) If a registration is filed with a source of supply on a stream
21 system that the most recent report submitted under subdivision (c)
22 identifies as a stream system that may become fully appropriated
23 within the next reporting period, the registration shall not take
24 effect unless the board finds that unappropriated water is available
25 for the appropriation proposed by the registration. If the board
26 finds that unappropriated water is not available to supply the
27 proposed appropriation, the board shall, following notice and
28 hearing, determine whether that stream system should be declared
29 fully appropriated pursuant to Article 1.3 (commencing with
30 Section 1205).

31 SEC. 45. Section 1228.3 of the Water Code is amended to read:

32 1228.3. (a) Registration of water use pursuant to this article
33 shall be made upon a form prescribed by the board. The registration
34 form shall set forth all of the following:

- 35 (1) The name and post office address of the registrant.
- 36 (2) The source of water supply.
- 37 (3) The nature and amount of the proposed use.
- 38 (4) The proposed place of diversion.
- 39 (5) The place where it is intended to use the water.

1 (6) The time for completion of construction of diversion works
2 and for complete application of the water to the proposed use.

3 (7) A certification that the registrant has contacted a
4 representative of the Department of Fish and Wildlife designated
5 by that department for that purpose, has provided information to
6 that department that is set forth in the registration form, and has
7 agreed to comply with all lawful conditions, including, but not
8 limited to, conditions upon the construction and operation of
9 diversion works, required by the Department of Fish and Wildlife.
10 The certification shall include a copy of any conditions required
11 by the Department of Fish and Wildlife pursuant to this paragraph.

12 (8) Any other information that may reasonably be required by
13 the board.

14 (b) Registration of water use shall be deemed completed on the
15 date that the form, executed in substantial compliance with the
16 requirements of this section, and the registration fee specified in
17 Section 1525 are received by the board.

18 (c) The board shall issue monthly a list of registrations filed
19 under this article during the preceding calendar month. This list
20 shall contain the information required by paragraphs (1) to (6),
21 inclusive, of subdivision (a). The list shall set forth a date prior to
22 which an interested person may file a written protest in opposition
23 to the approval of a stockpond registration. That date shall be not
24 later than 30 days from the date on which the list is issued. The
25 board shall mail the monthly list of registrations filed to a person
26 who requests the list.

27 (d) Prior to the date set forth on the list required under
28 subdivision (c), an interested person may file with the board a
29 written protest in opposition to the approval of a stockpond
30 registration. The protest shall clearly set forth the protestant's
31 objections to the registered use based on interference with prior
32 rights. The protest shall be served on the registrant by the protestant
33 by mailing a duplicate copy of the protest to the registrant, or
34 through service undertaken in another manner determined to be
35 adequate by the board. The procedures set forth in Article 1.5
36 (commencing with Section 1345) of Chapter 5 shall be used for
37 reviewing a protested registration.

38 SEC. 46. Section 1228.6 of the Water Code is amended to read:

39 1228.6. (a) The board shall establish, and may from time to
40 time revise, reasonable general conditions to which all

1 appropriations made pursuant to this article shall be subject. The
2 conditions shall include, but shall not be limited to, the following:

- 3 (1) The appropriation is subject to prior rights.
- 4 (2) All conditions lawfully required by the Department of Fish
5 and Wildlife are conditions upon the appropriations.
- 6 (3) Diversion works shall be constructed and water applied to
7 beneficial use with due diligence.
- 8 (4) Registration shall be renewed and water use reported
9 pursuant to law and to the rules of the board.

10 (b) Immediately upon registration pursuant to Section 1228.3,
11 renewal of registration pursuant to Section 1228.5, or amended
12 registration pursuant to Section 1228.7, the board shall provide
13 the registrant with a written document setting forth the conditions
14 required by this section, and the perfection and exercise of rights
15 acquired pursuant to this article shall at all times be subject to those
16 conditions.

17 (c) The conditions required by this section shall be deemed
18 “terms and conditions” within the meaning of Section 1825 and
19 the expression of legislative intent contained in that section shall
20 be applicable thereto. The authority of the board to enforce the
21 terms and conditions of permits and licenses to appropriate water,
22 and to prevent the unlawful diversion of water, including, but not
23 limited to, provisions regarding cease and desist orders and the
24 revocation of permits and licenses, shall be applicable to
25 appropriations initiated or perfected pursuant to this article.

26 SEC. 47. Section 1229 of the Water Code is amended to read:

27 1229. (a) The board is not required to adopt general conditions
28 for small irrigation use pursuant to subdivision (a) of Section
29 1228.6 until the board determines that funds are available for that
30 purpose.

31 (b) A registration for small irrigation use pursuant to this article
32 is not authorized until the board establishes general conditions for
33 small irrigation use pursuant to subdivision (a) of Section 1228.6
34 to protect instream beneficial uses.

35 (c) The board may establish general conditions for some
36 methods of diversion or categories of small irrigation use before
37 establishing general conditions for other methods or categories,
38 in which case a registration for small irrigation use is authorized
39 only for those methods or categories for which the board has

1 established the general conditions for the protection of instream
2 beneficial uses.

3 SEC. 48. Section 1229.1 of the Water Code is amended to read:

4 1229.1. (a) This article does not apply to those stream segments
5 for which the Director of Fish and Wildlife establishes proposed
6 streamflow requirements pursuant to Section 10002 of the Public
7 Resources Code, notwithstanding the July 1, 1989, deadline for
8 preparation of the requirements.

9 (b) Notwithstanding subdivision (a), this article applies to a
10 registration filed before the Director of Fish and Wildlife
11 establishes proposed streamflow requirements for the source of
12 water supply for the registration. The conditions for renewal under
13 subdivision (c) of Section 1228.5 may include any conditions the
14 Department of Fish and Wildlife determines to be necessary to
15 protect stream-related fish and wildlife resources on a source of
16 water supply for which the Director of Fish and Wildlife has
17 established proposed streamflow requirements pursuant to Section
18 10002 of the Public Resources Code.

19 SEC. 49. Section 1243 of the Water Code is amended to read:

20 1243. (a) The use of water for recreation and preservation and
21 enhancement of fish and wildlife resources is a beneficial use of
22 water. In determining the amount of water available for
23 appropriation for other beneficial uses, the board shall take into
24 account, when it is in the public interest, the amounts of water
25 required for recreation and the preservation and enhancement of
26 fish and wildlife resources.

27 (b) The board shall notify the Department of Fish and Wildlife
28 of an application for a permit to appropriate water. The Department
29 of Fish and Wildlife shall recommend the amounts of water, if
30 any, required for the preservation and enhancement of fish and
31 wildlife resources and shall report its findings to the board.

32 (c) This section does not affect riparian rights.

33 SEC. 50. Section 1260 of the Water Code is amended to read:

34 1260. An application for a permit to appropriate water shall
35 set forth all of the following:

- 36 (a) The name and post office address of the applicant.
- 37 (b) The source of water supply.
- 38 (c) The nature and amount of the proposed use.
- 39 (d) The location and description of the proposed headworks,
40 ditch canal, and other works.

- 1 (e) The proposed place of diversion.
- 2 (f) The place where it is intended to use the water.
- 3 (g) The time within which it is proposed to begin construction.
- 4 (h) The time required for completion of the construction.
- 5 (i) The time for the complete application of the water to the
- 6 proposed use.
- 7 (j) All data and information reasonably available to applicant
- 8 or that can be obtained from the Department of Fish and Wildlife
- 9 concerning the extent, if any, to which fish and wildlife would be
- 10 affected by the appropriation, and a statement of any measures
- 11 proposed to be taken for the protection of fish and wildlife in
- 12 connection with the appropriation.
- 13 (k) Sufficient information to demonstrate a reasonable likelihood
- 14 that unappropriated water is available for the proposed
- 15 appropriation.

16 SEC. 51. Section 1427 of the Water Code is amended to read:
17 1427. Before making the findings required by Section 1425,
18 the board shall do all of the following:

- 19 (a) Review available records, files, and decisions that relate to
- 20 the availability of water from the source at the proposed point of
- 21 diversion to serve the proposed temporary diversion and use, and
- 22 that relate to the rights of downstream users.
- 23 (b) Consult with representatives of the Department of Fish and
- 24 Wildlife.
- 25 (c) Make a field investigation, if necessary or desirable in the
- 26 opinion of the board.

27 SEC. 52. Section 1430 of the Water Code is amended to read:
28 1430. A temporary permit issued under this chapter shall not
29 result in creation of a vested right, even of a temporary nature, but
30 shall be subject at all times to modification or revocation in the
31 discretion of the board. The authorization to divert and use water
32 under a temporary permit shall automatically expire 180 days after
33 ~~the date of its issuance, authorization takes effect~~, unless an earlier
34 date is specified or the temporary permit is revoked. ~~The temporary~~
35 ~~permit may set 180-day period does not include any time required~~
36 ~~for monitoring, reporting, or mitigation requirements that apply~~
37 before or after the authorization to divert or use water under the
38 temporary permit.

39 SEC. 53. Section 1437 of the Water Code is amended to read:

1 1437. Before making the findings required by Section 1435,
 2 the board shall review available records, files, and decisions that
 3 relate to the rights of other legal users of water, consult with
 4 representatives of the Department of Fish and Wildlife, and make
 5 a field investigation if the investigation is necessary or desirable
 6 in the opinion of the board.

7 SEC. 54. Section 1440 of the Water Code is amended to read:

8 1440. A temporary change order issued under this chapter shall
 9 not result in creation of a vested right, even of a temporary nature,
 10 but shall be subject at all times to modification or revocation in
 11 the discretion of the board. The authorization to divert and use
 12 water under a temporary change order shall automatically expire
 13 180 days after the ~~date of its issuance~~ *authorization takes effect*,
 14 unless an earlier date is specified or the temporary change order
 15 is revoked. ~~The temporary change order may set 180-day period~~
 16 *does not include any time required for monitoring, reporting, or*
 17 *mitigation requirements that apply* before or after the authorization
 18 to divert or use water under the temporary change order.

19 SEC. 55. Section 1701.2 of the Water Code is amended to read:

20 1701.2. A petition for change in a permit or license shall meet
 21 all of the following requirements:

- 22 (a) State the name and address of the petitioner.
- 23 (b) Be signed by the petitioner, or the petitioner’s agent or
 24 attorney.
- 25 (c) Include all information reasonably available to the petitioner,
 26 or that can be obtained from the Department of Fish and Wildlife,
 27 concerning the extent, if any, to which fish and wildlife would be
 28 affected by the change, and a statement of any measures proposed
 29 to be taken for the protection of fish and wildlife in connection
 30 with the change.
- 31 (d) Include sufficient information to demonstrate a reasonable
 32 likelihood that the proposed change will not injure any other legal
 33 user of water.
- 34 (e) Contain other appropriate information and be in the form
 35 required by applicable regulations.

36 SEC. 56. Section 1703 of the Water Code is amended to read:

37 1703. After filing a petition for permission to make a change,
 38 the petitioner, in case the board so requires, shall cause notice
 39 thereof to be given or published in the manner prescribed by the

1 board. In all cases the petitioner shall notify the Department of
2 Fish and Wildlife in writing of the proposed change.

3 SEC. 57. Section 1726 of the Water Code is amended to read:

4 1726. (a) (1) A permittee or licensee who proposes a
5 temporary change shall submit to the board a petition to change
6 the terms of the permit or license as required to accomplish the
7 proposed temporary change. The petition for a temporary change
8 shall be filed by the permittee or licensee. If the proposed
9 temporary change is for the benefit of a contractor or user supplied
10 directly or indirectly by the permittee or licensee, the permittee or
11 licensee may authorize the contractor or user to participate as a
12 copetitioner. The permittee or licensee shall identify any
13 copetitioner in the petition.

14 (2) A contractor or user described in paragraph (1), whether or
15 not designated as a copetitioner, and the person to whom the water
16 is proposed to be transferred, shall be named as parties to the
17 proceeding, with the same rights to receive notices, respond to
18 board determinations, and petition for writ of mandate as the
19 petitioner.

20 (b) A petition shall include both of the following:

21 (1) Reference to the permit or license that serves as the basis
22 for the water transfer.

23 (2) A written description of the changes in water storage, timing,
24 and point of diversion, place and purpose of use, timing and point
25 of return flow, and water quality of instream flows that are likely
26 to occur as a result of the proposed temporary change.

27 (c) A petitioner shall provide a copy of the petition to the
28 Department of Fish and Wildlife, the board of supervisors of the
29 county or counties in which the petitioner currently stores or uses
30 the water subject to the petition, and the board of supervisors of
31 the county or counties to which the water is proposed to be
32 transferred.

33 (d) Within 10 days of the date of submission of a petition to the
34 board, the petitioner shall publish in not less than one newspaper
35 of general circulation, in the county or counties in which the
36 petitioner currently stores or uses the water subject to the petition,
37 a notice of the petition and a brief description of the terms of the
38 proposed temporary change. The board shall, in a timely manner,
39 provide to the petitioner a list of water right holders of record on
40 file with the board who may be affected by the transfer, and the

1 petitioner shall provide written notice to those water right holders
2 not later than 10 days after the date on which the petition is
3 submitted. The board shall post the notice of petition on its Internet
4 web site not later than 10 days after the date on which the petition
5 is submitted. The notice of the petition shall specify the date on
6 which comments are due. The board may impose on the petitioner
7 any other notice requirement it determines to be necessary.

8 (e) Within 10 days of the date of receipt of a petition, the board
9 shall commence an investigation of the proposed temporary change.
10 Pursuant to that investigation, the board shall determine if the
11 water proposed to be transferred would have been consumptively
12 used or stored pursuant to the petitioner's permit or license in the
13 absence of the proposed transfer or conserved pursuant to Section
14 1011. The board also shall evaluate the changes in water storage,
15 timing and point of diversion, place and purpose of use, timing
16 and point of return flow, water quality, and instream flows, and
17 other changes that are likely to occur as a result of the proposed
18 temporary change.

19 (f) Water users that may be affected by a proposed temporary
20 change and any other interested party may file a written comment
21 regarding a petition with the board. Comments shall be filed not
22 later than 30 days after the date that the notice was published
23 pursuant to subdivision (d). The board shall evaluate and take into
24 consideration all comments that are filed in a timely manner.

25 (g) (1) Except as specified in paragraphs (2) and (3), the board
26 shall render a decision on the petition not later than 35 days after
27 the date that investigation commenced or the date that the notice
28 was published, whichever is later. The board's decision shall be
29 in accordance with the substantive standards set forth in Section
30 1727. The board shall explain its decision in writing and shall send
31 copies of the decision to the petitioner, the Department of Fish and
32 Wildlife, the board of supervisors of the county or counties
33 described in subdivision (c), the proposed transferee, and any party
34 who has filed a written comment in accordance with subdivision
35 (f).

36 (2) If comments are filed in accordance with subdivision (f), or
37 for any other good cause, the board may extend the date of its
38 decision for up to 20 days.

39 (3) If the board or the petitioner determines that an additional
40 extension of time for a decision is necessary for the board to make

1 the findings required by Section 1727, or that a hearing is necessary
2 for the board to make those findings, the board may extend the
3 time for a decision with the consent of the petitioner. If the
4 petitioner agrees to a hearing, the board shall identify the issues
5 for which additional evidence is required and shall fix a time and
6 place for the hearing. The board shall provide notice of the time,
7 place, and subject matter of the hearing to the petitioner, the
8 Department of Fish and Wildlife, the board of supervisors of the
9 county or counties described in subdivision (c), the water right
10 holders of record identified pursuant to subdivision (d), the
11 proposed transferee, and any party who has filed a written comment
12 in accordance with subdivision (f).

13 SEC. 58. Section 1727 of the Water Code is amended to read:

14 1727. (a) The board shall review a petition for a temporary
15 change of water rights in accordance with this section.

16 (b) The board shall approve a temporary change if it determines
17 that a preponderance of the evidence shows both of the following:

18 (1) The proposed temporary change would not injure any legal
19 user of the water, during any potential hydrologic condition that
20 the board determines is likely to occur during the proposed change,
21 through significant changes in water quantity, water quality, timing
22 of diversion or use, consumptive use of the water, or reduction in
23 return flows.

24 (2) The proposed temporary change would not unreasonably
25 affect fish, wildlife, or other instream beneficial uses.

26 (c) The petitioner shall have the burden of establishing that a
27 proposed temporary change would comply with paragraphs (1)
28 and (2) of subdivision (b). If the board determines that that
29 petitioner has established a prima facie case, the burden of proof
30 shall shift to any party that has filed a comment pursuant to
31 subdivision (f) of Section 1726 to prove that the proposed
32 temporary change would not comply with paragraphs (1) and (2)
33 of subdivision (b). The board may make a determination required
34 by this subdivision without a hearing.

35 (d) In reviewing a petition for a temporary change, the board
36 shall not modify any term or condition of the petitioner's permit
37 or license, including those terms that protect other legal users of
38 water, fish, wildlife, and other instream beneficial uses, except as
39 necessary to carry out the temporary change in accordance with
40 this article.

1 (e) In applying the standards set forth in paragraphs (1) and (2)
2 of subdivision (b), the board shall not deny, or place conditions
3 on, a temporary change to avoid or mitigate impacts that are not
4 caused by the temporary change. Neither the Department of Fish
5 and Wildlife, nor any other state agency that comments on the
6 proposed temporary change, shall propose conditions to mitigate
7 effects on fish, wildlife, or other instream beneficial uses that are
8 not caused by the proposed temporary change. This subdivision
9 does not limit the board, the Department of Fish and Wildlife, or
10 any other state agency, in proceedings pursuant to any provision
11 of law other than this article.

12 SEC. 59. Section 1736 of the Water Code is amended to read:

13 1736. The board, after providing notice and opportunity for a
14 hearing, including, but not limited to, written notice to, and an
15 opportunity for review and recommendation by, the Department
16 of Fish and Wildlife, may approve such a petition for a long-term
17 transfer where the change would not result in substantial injury to
18 any legal user of water and would not unreasonably affect fish,
19 wildlife, or other instream beneficial uses.

20 ~~SEC. 60. Section 2863 of the Water Code is amended to read:~~

21 ~~2863. All or any part of the money in the Water Resources~~
22 ~~Control Board Revolving Fund may be drawn from the State~~
23 ~~Treasury, upon appropriation by the Legislature, and used by the~~
24 ~~board in paying costs of making determinations of water rights as~~
25 ~~provided in this part.~~

26 *SEC. 60. Section 2862 of the Water Code is repealed.*

27 ~~2862. All money paid to or collected by the board, as provided~~
28 ~~in this article, shall be paid, at least once each month, accompanied~~
29 ~~by a detailed statement thereof, into the Water Resources Control~~
30 ~~Board Revolving Fund, which fund is continued in existence.~~

31 *SEC. 61. Section 2863 of the Water Code is repealed.*

32 ~~2863. All or any part of the money in the Water Resources~~
33 ~~Control Board Revolving Fund may be drawn from the State~~
34 ~~Treasury upon the approval of the Department of Finance without~~
35 ~~the submission of receipts, vouchers, or itemized statements, and~~
36 ~~used by the board in paying costs of making determinations of~~
37 ~~water rights as provided in this part.~~

- 1 ~~SEC. 61.~~
- 2 *SEC. 62.* Section 2866 of the Water Code is repealed.

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