

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

February 29, 2016

An act to amend Sections 200, 460, 2076.5, and 7120 of, to amend the heading of Chapter 2 (commencing with Section 200) of Division 1 of, to amend the heading of Article 1 (commencing with Section 200) of Chapter 2 of Division 1 of, to amend and renumber Section 206 of, to add Chapter 3.5 (commencing with Section 399) to Division 1 of, to add Article 1.5 (commencing with Section 7110) to Chapter 1 of Part 2 of Division 6 of, to repeal and add Article 2 (commencing with Section 250) of Chapter 2 of Division 1 of, to repeal Sections 202, 204, 205.1, 207, 210, 211, 215, 217.5, 217.6, 218, 220, and 300 of, and to repeal Article 1.5 (commencing with Section 240) of Chapter 2 of Division 1 of, the Fish and Game Code, to amend Section 11343.4 of the Government Code, and to amend Section 131052 of the Health and Safety Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

SB 1473, as introduced, Committee on Natural Resources and Water. Fish and Game Commission: procedures.

The California Constitution provides for the delegation to the Fish and Game Commission of powers relating to the protection and propagation of fish and game. Existing statutory law delegates to the commission the power to regulate the taking or possession of birds, mammals, fish, amphibia, and reptiles, except as provided. Existing law establishes procedures that are specific to regulations adopted by the commission pursuant to this authority.

This bill would clarify that those procedures apply generally to any commission regulation that governs the take or possession of any bird, mammal, fish, amphibian, or reptile, except as provided. The bill would conform certain commission rulemaking procedures to the rulemaking procedures of the Administrative Procedure Act. The bill would delete obsolete and superfluous provisions, make organizational changes, delete obsolete cross references, and make other conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

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

1 SECTION 1. The heading of Chapter 2 (commencing with
 2 Section 200) of Division 1 of the Fish and Game Code is amended
 3 to read:

4
 5 CHAPTER 2. ~~GENERAL REGULATORY POWERS~~ *REGULATION OF*
 6 *TAKE AND POSSESSION GENERALLY*
 7

8 SEC. 2. The heading of Article 1 (commencing with Section
 9 200) of Chapter 2 of Division 1 of the Fish and Game Code is
 10 amended to read:

11
 12 Article 1. ~~Regulations~~ *Authority*
 13

14 SEC. 3. Section 200 of the Fish and Game Code is amended
 15 to read:

16 200. (a) There is hereby delegated to the commission the power
 17 to regulate the taking or possession of birds, mammals, fish,
 18 ~~amphibia, and reptiles to the extent and in the manner prescribed~~
 19 ~~in this article.~~ *amphibians, and reptiles.*

20 ~~No~~
 21 (b) No power is delegated to the commission by this ~~article~~
 22 ~~section~~ to regulate ~~the either of the following:~~

23 (1) ~~The taking, possessing, processing, or use of fish, amphibia,~~
 24 ~~amphibians, kelp, or other aquatic plants for commercial purposes,~~
 25 ~~and no provision of this code relating or applying thereto, nor any~~
 26 ~~regulation of the commission made pursuant to such provision,~~
 27 ~~shall be affected by this article or any regulation made under this~~
 28 ~~article.~~ *purposes.*

1 (2) *The taking or possession of a spike buck or spotted fawn.*
2 *“Spotted fawn” means a deer one year of age or less that has*
3 *spotted pelage. “Spike buck” means a male deer with unbranched*
4 *antlers on both sides that are more than three inches in length.*

5 (c) *This section and any regulations adopted pursuant to this*
6 *section have no effect on any provision of this code or any*
7 *regulation adopted pursuant to this code that relates to a matter*
8 *described in paragraph (1) of subdivision (b).*

9 SEC. 4. Section 202 of the Fish and Game Code is repealed.

10 ~~202. The commission shall exercise its powers under this article~~
11 ~~by regulations made and promulgated pursuant to this article.~~
12 ~~Regulations adopted pursuant to this article shall not be subject to~~
13 ~~the time periods for the adoption, amendment, or repeal of~~
14 ~~regulations prescribed in Sections 11343.4, 11346.4, 11346.8, and~~
15 ~~11347.1 of the Government Code.~~

16 SEC. 5. Section 204 of the Fish and Game Code is repealed.

17 ~~204. The commission has no power under this article to make~~
18 ~~any regulation authorizing or permitting the taking of:~~

19 (a) ~~Any bird or mammal in any refuge heretofore or hereafter~~
20 ~~established by statute, the taking or possession of which shall be~~
21 ~~regulated pursuant to Sections 10500 to 10506, inclusive.~~

22 (b) ~~Elk, the taking or possession of which shall be regulated~~
23 ~~pursuant to Section 332.~~

24 (c) ~~Antelope, the taking or possession of which shall be~~
25 ~~regulated pursuant to Section 331.~~

26 (d) ~~Any spike buck or spotted fawn. “Spotted fawn” means a~~
27 ~~young deer born that year which has spotted pelage. “Spike buck”~~
28 ~~means a male deer with unbranched antlers on both sides which~~
29 ~~are more than three inches in length.~~

30 ~~Any regulation establishing a season to compensate for closure~~
31 ~~of an area due to extreme fire hazard shall be made pursuant to~~
32 ~~Section 306.~~

33 ~~Any regulation setting a special hunting season for mammals,~~
34 ~~except deer, or game birds which have increased in number to such~~
35 ~~an extent that a surplus exists or which are damaging property or~~
36 ~~are overgrazing their range shall be made pursuant to Section 325.~~

37 SEC. 6. Section 205.1 of the Fish and Game Code is repealed.

38 ~~205.1. (a) The commission may establish by regulation an~~
39 ~~automatic process to conform its sport fishing regulations to federal~~
40 ~~regulations.~~

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

5 ~~(e) The department shall provide public notice of a conforming~~
6 ~~action implemented pursuant to this section.~~

7 SEC. 7. Section 206 of the Fish and Game Code is amended
8 and renumbered to read:

9 ~~206.~~

10 *110.* (a) The commission shall hold no fewer than eight regular
11 meetings per calendar year, if the commission has adequate funding
12 for related travel, including funding for department travel. The
13 commission may also hold special meetings or hearings to receive
14 additional input from the department and the public.

15 (b) The commission shall announce the dates and locations of
16 meetings for the year by January 1 of that year, or 60 days prior
17 to the first meeting, whichever comes first. Meeting locations shall
18 be accessible to the public and located throughout the state. To the
19 extent feasible, meetings shall be held in state facilities. In setting
20 the dates and locations for regular meetings, the commission shall
21 also consider the following factors:

22 (1) Recommendations of the department.

23 (2) Opening and closing dates of fishing and hunting seasons.

24 (3) The schedules of other state and federal regulatory agencies
25 whose regulations affect the management of fish and wildlife of
26 this state.

27 (c) The commission shall cause the notice of the schedule for
28 regular meetings, and notice of any change in the date and location
29 of a meeting, to be disseminated to the public in a manner that will
30 result in broad dissemination and that complies with the
31 Administrative Procedure Act (Chapter 3.5 (commencing with
32 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
33 Code).

34 SEC. 8. Section 207 of the Fish and Game Code is repealed.

35 ~~207. (a) Except for emergency regulations, the commission~~
36 ~~shall consider and adopt regulations pursuant to Sections 203 and~~
37 ~~205 at a series of no fewer than three meetings. These meetings~~
38 ~~may be regular or special meetings that are duly noticed to the~~
39 ~~public in accordance with subdivision (e) of Section 206 and the~~
40 ~~Administrative Procedure Act (Chapter 3.5 (commencing with~~

1 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
2 Code):

3 ~~(b) At the first meeting, the commission shall receive~~
4 ~~recommendations for regulations from its own members and staff,~~
5 ~~the department, other public agencies, and the public.~~

6 ~~(c) At the second meeting, the commission shall devote time~~
7 ~~for open public discussion of proposed regulations presented at~~
8 ~~the first meeting. The department shall participate in this discussion~~
9 ~~by reviewing and presenting its findings regarding each regulation~~
10 ~~proposed by the public and by responding to objections raised~~
11 ~~pertaining to its proposed regulations. After considering the public~~
12 ~~discussion, the commission shall announce, prior to adjournment~~
13 ~~of the meeting, the regulations it intends to add, amend, or repeal.~~

14 ~~(d) At the third meeting, the commission may choose to hear~~
15 ~~additional public discussion regarding the regulations it intends to~~
16 ~~adopt. At the meeting, the commission shall add, amend, or repeal~~
17 ~~regulations relating to any recommendation received at the initial~~
18 ~~meeting it deems necessary to preserve, properly utilize, and~~
19 ~~maintain each species or subspecies.~~

20 ~~(e) Within 45 days after adoption, the department shall publish~~
21 ~~and distribute regulations adopted pursuant to this section.~~

22 SEC. 9. Section 210 of the Fish and Game Code is repealed.

23 210. ~~(a) The commission shall provide copies of the regulations~~
24 ~~added, amended, or repealed pursuant to subdivision (c) of Section~~
25 ~~207 to each county clerk, each district attorney, and each judge of~~
26 ~~the superior court in the state.~~

27 ~~(b) The commission and the department may do anything that~~
28 ~~is deemed necessary and proper to publicize and distribute~~
29 ~~regulations so that persons likely to be affected will be informed~~
30 ~~of them. The failure of the commission to provide any notice of~~
31 ~~its regulations, other than by filing them in accordance with Section~~
32 ~~215, shall not impair the validity of the regulations.~~

33 ~~(c) The department or the license agent may give a copy of the~~
34 ~~current applicable published regulations to each person issued a~~
35 ~~license at the time the license is issued.~~

36 ~~(d) Notwithstanding any other provision of law, the commission~~
37 ~~and the department may contract with private entities to print~~
38 ~~regulations and other regulatory and public information. Printing~~
39 ~~contracts authorized by this subdivision and for which no state~~
40 ~~funds are expended are not subject to Chapter 2 (commencing with~~

1 Section 10290) of Part 2 of Division 2 of the Public Contract Code,
2 except for Article 2 (commencing with Section 10295) of Chapter
3 2.

4 SEC. 10. Section 211 of the Fish and Game Code is repealed.

5 211. ~~(a) Material printed pursuant to subdivision (d) of Section~~
6 ~~210 that contains advertisements shall meet all specifications~~
7 ~~prescribed by the department. The printed material shall not contain~~
8 ~~advertisements for tobacco products, alcohol, firearms and devices~~
9 ~~prohibited pursuant to Section 32625 of the Penal Code, Article 2~~
10 ~~(commencing with Section 30600) of Chapter 2 of Division 10 of~~
11 ~~Title 4 of Part 6 of the Penal Code, or any provision listed in~~
12 ~~Section 16590 of the Penal Code, or firearms not authorized by~~
13 ~~the commission as a legal method of sport hunting, political~~
14 ~~statements, solicitations for membership in organizations, or any~~
15 ~~other statement, solicitation, or product advertisement that is in~~
16 ~~conflict with the purposes for which the material is produced, as~~
17 ~~determined by the commission. The printing contract shall include~~
18 ~~criteria to ensure that the public information provided in the~~
19 ~~publication is easy to reference, read, and understand.~~

20 ~~(b) Neither the department nor the commission shall contract~~
21 ~~with private entities to print the materials described in subdivision~~
22 ~~(d) of Section 210 if the letting of those contracts will result in the~~
23 ~~elimination of civil service positions.~~

24 SEC. 11. Section 215 of the Fish and Game Code is repealed.

25 215. ~~Every regulation of the commission made pursuant to this~~
26 ~~article shall be filed with the Secretary of State, and shall become~~
27 ~~effective at the time specified therein, but not sooner than the date~~
28 ~~of the filing.~~

29 SEC. 12. Section 217.5 of the Fish and Game Code is repealed.

30 217.5. ~~(a) The department shall identify property it owns or~~
31 ~~manages that includes areas for sport fishing which are accessible~~
32 ~~to disabled persons.~~

33 ~~(b) Commencing with the booklet of sport fishing regulations~~
34 ~~published by the commission in 1986, the availability of sport~~
35 ~~fishing areas, identified by the department as accessible to disabled~~
36 ~~persons under subdivision (a), shall be noted in the booklet of~~
37 ~~regulations, together with telephone numbers and instructions for~~
38 ~~obtaining a list of those areas from regional department offices.~~

39 SEC. 13. Section 217.6 of the Fish and Game Code is repealed.

1 ~~217.6. Commencing with the booklet of sportfishing regulations~~
2 ~~published in 1987, the booklet shall also contain any human health~~
3 ~~advisories relating to fish which are formally issued by the State~~
4 ~~Department of Health Services or summaries of those human health~~
5 ~~advisories. The summaries shall be prepared in consultation with~~
6 ~~the State Department of Health Services.~~

7 SEC. 14. Section 218 of the Fish and Game Code is repealed.

8 ~~218. Any regulation of the commission made pursuant to this~~
9 ~~article shall be subject to review in accordance with law by any~~
10 ~~court of competent jurisdiction.~~

11 SEC. 15. Section 220 of the Fish and Game Code is repealed.

12 ~~220. (a) Any regulation of the commission added or amended~~
13 ~~pursuant to this article shall remain in effect for the period specified~~
14 ~~therein or until superseded by subsequent regulation of the~~
15 ~~commission or by statute.~~

16 ~~(b) Notwithstanding this article, the commission may add,~~
17 ~~amend, or repeal regulations at any regular or special meeting if~~
18 ~~facts are presented to the commission which were not presented~~
19 ~~at the time the original regulations were adopted and if the~~
20 ~~commission determines that those regulations added, amended, or~~
21 ~~repealed are necessary to provide proper utilization, protection, or~~
22 ~~conservation of fish and wildlife species or subspecies.~~

23 SEC. 16. Article 1.5 (commencing with Section 240) of Chapter
24 2 of Division 1 of the Fish and Game Code is repealed.

25 SEC. 17. Article 2 (commencing with Section 250) of Chapter
26 2 of Division 1 of the Fish and Game Code is repealed.

27 SEC. 18. Article 2 (commencing with Section 250) is added
28 to Chapter 2 of Division 1 of the Fish and Game Code, to read:

29
30 Article 2. Procedure

31
32 250. (a) Except as provided in subdivision (b), this article
33 applies to a commission regulation that governs the take or
34 possession of any bird, mammal, fish, amphibian, or reptile.

35 (b) This article does not apply to a regulation governed by
36 subdivision (b) of Section 200 or Section 201.

37 (c) Except as expressly provided, this article does not supersede
38 any other applicable law that governs the adoption, amendment,
39 or repeal of a regulation.

1 255. (a) When adopting, amending, or repealing a regulation
2 governed by this article, the commission shall conduct the
3 following steps at separate public meetings:

4 (1) Approve the submission of a notice of proposed action to
5 the Office of Administrative Law.

6 (2) Consider public comment on the proposed action. The
7 department shall participate in this process by reviewing and
8 responding to all public comment.

9 (3) Make a final decision on the proposed action.

10 (b) The meetings required by this section may be regular or
11 special meetings.

12 (c) The meetings required by this section shall be duly noticed
13 to the public in accordance with subdivision (c) of Section 110
14 and the Administrative Procedure Act (Chapter 3.5 (commencing
15 with Section 11340) of Part 1 of Division 3 of Title 2 of the
16 Government Code).

17 (d) Within 45 days after the commission makes a final decision
18 to adopt, amend, or repeal a regulation governed by this article,
19 the department shall publish and distribute the regulation to each
20 county clerk, district attorney, and judge of the superior court in
21 the state.

22 260. (a) The commission and the department may do anything
23 that is deemed necessary and proper to publicize and distribute a
24 regulation governed by this article so that persons likely to be
25 affected will be informed of them. The failure of the commission
26 to provide any notice of a regulation governed by this article,
27 beyond what is required by Chapter 3.5 (commencing with Section
28 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
29 does not impair the validity of the regulations.

30 (b) Notwithstanding any other law, the commission and the
31 department may contract with private entities to print regulations
32 governed by this article, and other public information. The printing
33 contract shall include criteria to ensure that the public information
34 provided in the publication is easy to reference, read, and
35 understand.

36 (c) Printing contracts authorized by this section for which no
37 state funds are expended are not subject to Chapter 2 (commencing
38 with Section 10290) of Part 2 of Division 2 of the Public Contract
39 Code, except for Article 2 (commencing with Section 10295) of
40 Chapter 2 of Part 2 of Division 2 of the Public Contract Code.

1 (d) Material printed pursuant to subdivision (b) that contains
2 advertisements shall meet all specifications prescribed by the
3 department. The printed material shall not contain advertisements
4 for tobacco products, alcohol, firearms, and devices prohibited
5 pursuant to Section 32625 of the Penal Code, Article 2
6 (commencing with Section 30600) of Chapter 2 of Division 10 of
7 Title 4 of Part 6 of the Penal Code, or any provision listed in
8 Section 16590 of the Penal Code, or firearms not authorized by
9 the commission as a legal method of sport hunting, political
10 statements, solicitations for membership in organizations, or any
11 other statement, solicitation, or product advertisement that is in
12 conflict with the purposes for which the material is produced, as
13 determined by the commission.

14 (e) Neither the department nor the commission shall contract
15 with private entities to print the materials described in subdivision
16 (b) if the letting of those contracts will result in the elimination of
17 civil service positions.

18 (f) The department or the license agent may give a copy of the
19 current applicable published regulations governed by this article
20 to each person issued a license, at the time the license is issued.

21 265. A regulation governed by this article is not subject to the
22 time periods for the adoption, amendment, or repeal of a regulation
23 prescribed in Sections 11343.4, 11346.4, 11346.8, and 11347.1 of
24 the Government Code.

25 270. The adoption, amendment, or repeal of a regulation
26 governed by this article shall become effective at the time specified
27 in the regulation, but not sooner than the date of the filing.

28 275. A regulation governed by this article shall remain in effect
29 for the period specified in the regulation or until superseded by
30 subsequent regulation of the commission or by statute.

31 SEC. 19. Section 300 of the Fish and Game Code is repealed.

32 ~~300. A regulation adopted pursuant to this code shall be filed~~
33 ~~with the Secretary of State, as required by Chapter 3.5~~
34 ~~(commencing with Section 11340) of Part 1 of Division 3 of Title~~
35 ~~2 of the Government Code.~~

36 SEC. 20. Chapter 3.5 (commencing with Section 399) is added
37 to Division 1 of the Fish and Game Code, to read:

CHAPTER 3.5. EMERGENCY REGULATIONS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

399. Notwithstanding any other provision of this code, the commission, when adopting, amending, or repealing a regulation pursuant to authority vested in it by this code, may, after at least one hearing, adopt, amend, or repeal that regulation pursuant to Section 11346.1 of the Government Code, if it makes either of the following findings:

(a) That the adoption, amendment, or repeal is necessary for the immediate conservation, preservation, or protection of birds, mammals, fish, amphibians, or reptiles, including, but not limited to, their nests or eggs.

(b) That the adoption, amendment, or repeal is necessary for the immediate preservation of the public peace, health and safety, or general welfare.

SEC. 21. Section 460 of the Fish and Game Code is amended to read:

~~460. Prior to the February~~ *each* meeting of the commission ~~as required in at which the commission considers the regulation of deer and takes action pursuant to paragraph (1) of subdivision (a) of Section 207, 255,~~ the department shall recommend to the commission those deer herd units to be placed under a general deer hunting season. At the same time, the department shall recommend to the commission, subject to the provisions of Sections 458 and 459, whether any antlerless deer should be taken and in what deer herd units antlerless deer are to be taken. If in the judgment of the department there are deer herd units in which hunting pressure would adversely affect the deer herd, impair the hunting experience, or endanger the public safety, the department shall also recommend to the commission those deer herd units where hunter numbers should be restricted and which should be removed from the general deer hunting season designation. The department shall inform the commission of the condition of each deer herd unit. Upon receipt of the recommendations and information required in this section, the commission shall make that material known to the public and its determinations regarding proposed regulations. The recommendations of the department shall, in accordance with the provisions of Sections 458 and 459, include the number, if any, of antlerless deer that should be taken in deer herd units, whether the permits should be either-sex permits, the proposed dates for

1 the taking, and the number of permits proposed for each deer herd
2 unit. At the same time, the department shall recommend the
3 establishment of any hunter-restricted quota units, if needed, and
4 the number of the quota and manner in which the quota permits
5 should be issued.

6 SEC. 22. Section 2076.5 of the Fish and Game Code, as added
7 by Section 6 of Chapter 1162 of the Statutes of 1984, is amended
8 to read:

9 2076.5. Notwithstanding Sections 2071 to 2075.5, inclusive,
10 the commission may adopt a regulation ~~which~~ *that* adds a species
11 to the list of endangered species or to the list of threatened species
12 as an emergency regulation pursuant to ~~Article 1.5 Chapter 3.5~~
13 ~~(commencing with Section 240) to Chapter 2 399~~ of Division 1
14 if the commission finds that there is any emergency posing a
15 significant threat to the continued existence of the species. The
16 commission shall notify affected or interested persons of the
17 adoption of ~~such an~~ *the* emergency regulation pursuant to the
18 methods described in Section 2074.4.

19 SEC. 23. Article 1.5 (commencing with Section 7110) is added
20 to Chapter 1 of Part 2 of Division 6 of the Fish and Game Code,
21 to read:

22
23 Article 1.5. Sport Fishing Regulations
24

25 7110. (a) The commission may establish by regulation an
26 automatic process to conform its sport fishing regulations to federal
27 regulations.

28 (b) Chapter 3.5 (commencing with Section 11340) of Part 1 of
29 Division 3 of Title 2 of the Government Code does not apply to
30 conforming actions implemented pursuant to the automatic process
31 specified in subdivision (a).

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

34 7115. (a) The department shall identify property it owns or
35 manages that includes areas for sport fishing accessible to persons
36 with disabilities.

37 (b) Commencing with the booklet of sport fishing regulations
38 published by the commission in 1986, the availability of sport
39 fishing areas, identified by the department as accessible to persons
40 with disabilities under subdivision (a), shall be noted in the booklet

1 of regulations, together with telephone numbers and instructions
2 for obtaining a list of those areas from regional department offices.

3 (c) Commencing with the booklet of sportfishing regulations
4 published in 1987, the booklet shall also contain any human health
5 advisories relating to fish that are formally issued by the State
6 Department of Public Health, or summaries of those human health
7 advisories. The summaries shall be prepared in consultation with
8 the State Department of Public Health.

9 SEC. 24. Section 7120 of the Fish and Game Code is amended
10 to read:

11 7120. It is unlawful for any person to possess more than one
12 daily bag limit of any fish taken under a license issued pursuant
13 to Section 714 or Article 3 (commencing with Section 7145) unless
14 authorized by regulations adopted by the ~~commission pursuant to~~
15 ~~Section 206.~~ *commission.*

16 SEC. 25. Section 11343.4 of the Government Code is amended
17 to read:

18 11343.4. (a) Except as otherwise provided in subdivision (b),
19 a regulation or an order of repeal required to be filed with the
20 Secretary of State shall become effective on a quarterly basis as
21 follows:

22 (1) January 1 if the regulation or order of repeal is filed on
23 September 1 to November 30, inclusive.

24 (2) April 1 if the regulation or order of repeal is filed on
25 December 1 to February 29, inclusive.

26 (3) July 1 if the regulation or order of repeal is filed on March
27 1 to May 31, inclusive.

28 (4) October 1 if the regulation or order of repeal is filed on June
29 1 to August 31, inclusive.

30 (b) The effective dates in subdivision (a) shall not apply in all
31 of the following:

32 (1) The effective date is specifically provided by the statute
33 pursuant to which the regulation or order of repeal was adopted,
34 in which event it becomes effective on the day prescribed by the
35 statute.

36 (2) A later date is prescribed by the state agency in a written
37 instrument filed with, or as part of, the regulation or order of repeal.

38 (3) The agency makes a written request to the office
39 demonstrating good cause for an earlier effective date, in which
40 case the office may prescribe an earlier date.

1 (4) (A) A regulation adopted by the Fish and Game Commission
2 ~~pursuant to that is governed by Article 2~~ (commencing with
3 ~~Section 200) 250~~) of Chapter 2 of Division 1 of the Fish and Game
4 Code.

5 (B) A regulation adopted by the Fish and Game Commission
6 that requires a different effective date in order to conform to a
7 federal regulation.

8 SEC. 26. Section 131052 of the Health and Safety Code is
9 amended to read:

10 131052. In implementing the transfer of jurisdiction pursuant
11 to this article, the State Department of Public Health succeeds to
12 and is vested with all the statutory duties, powers, purposes,
13 responsibilities, and jurisdiction of the former State Department
14 of Health Services as they relate to public health as provided for
15 or referred to in all of the following provisions of law:

16 (1) Sections 550, 555, 650, 680, 1241, 1658, 2221.1, 2248.5,
17 2249, 2259, 2259.5, 2541.3, 2585, 2728, 3527, 4017, 4027, 4037,
18 4191, 19059.5, 19120, 22950, 22973.2, and 22974.8 of the
19 Business and Professions Code.

20 (2) Sections 56.17, 1812.508, and 1812.543 of the Civil Code.

21 (3) Sections 8286, 8803, 17613, 32064, 32065, 32066, 32241,
22 49030, 49405, 49414, 49423.5, 49452.6, 49460, 49464, 49565,
23 49565.8, 49531.1, 56836.165, and 76403 of the Education Code.

24 (4) Sections 405, 6021, 6026, 18963, 30852, 41302, and 78486
25 of the Food and Agricultural Code.

26 (5) Sections 307, 355, 422, 7572, 7574, 8706, 8817, and 8909
27 of the Family Code.

28 (6) Sections ~~217.6, 1507~~, 1786, 4011, 5671, 5674, 5700, 5701,
29 5701.5, ~~7115~~, 7715, and 15700 of the Fish and Game Code.

30 (7) Sections 855, 51010, and 551017.1 of the Government Code.
31 For purposes of subdivision (s) of Section 6254 of the Government
32 Code, the term “State Department of Health Services” is hereby
33 deemed to refer to the State Department of Public Health.

34 (8) (A) Sections 475, 1180.6, 1418.1, 1422.1, 1428.2, 1457,
35 1505, 1507.1, 1507.5, 1570.7, 1599.2, 1599.60, 1599.75, 1599.87,
36 2002, 2804, 11362.7, 11776, 11839.21, 11839.23, 11839.24,
37 11839.25, 11839.26, 11839.27, 11839.28, 11839.29, 11839.30,
38 11839.31, 11839.32, 11839.33, 11839.34, 17920.10, 17961,
39 18897.2, 24185, 24186, 24187, 24275, 26101, 26122, 26134,
40 26155, 26200, and 26203.

- 1 (B) Chapters 1, 2, 2.05, 2.3, 2.35, 2.4, 3.3, 3.9, 3.93, 3.95, 4,
- 2 4.1, 4.5, 5, 6, 6.5, 8, 8.3, 8.5, 8.6, 9, and 11 of Division 2.
- 3 (C) Articles 2 and 4 of Chapter 2, Chapter 3, and Chapter 4 of
- 4 Part 1, Part 2 and Part 3 of Division 101.
- 5 (D) Division 102, including Sections 102230 and 102231.
- 6 (E) Division 103, including Sections 104145, 104181, 104182,
- 7 104182.5, 104187, 104191, 104192, 104193, 104316, 104317,
- 8 104318, 104319, 104320, 104321, 104324.2, 104324.25, 104350,
- 9 105191, 105251, 105255, 105280, 105340, and 105430.
- 10 (F) Division 104, including Sections 106615, 106675, 106770,
- 11 108115, 108855, 109282, 109910, 109915, 112155, 112500,
- 12 112650, 113355, 114460, 114475, 114650, 114710, 114850,
- 13 114855, 114985, 115061, 115261, 115340, 115736, 115880,
- 14 115885, 115915, 116064, 116183, 116270, 116365.5, 116366,
- 15 116375, 116610, 116751, 116760.20, 116825, 117100, 117924,
- 16 and 119300.
- 17 (G) Division 105, including Sections 120262, 120381, 120395,
- 18 120440, 120480, 120956, 120966, 121155, 121285, 121340,
- 19 121349.1, 121480, 122410, and 122420.
- 20 (H) Part 1, Part 2 excluding Articles 5, 5.5, 6, and 6.5 of Chapter
- 21 3, Part 3 and Part 5 excluding Articles 1 and 2 of Chapter 2, Part
- 22 7, and Part 8 of Division 106.
- 23 (9) Sections 799.03, 10123.35, 10123.5, 10123.55, 10123.10,
- 24 10123.184, and 11520 of the Insurance Code.
- 25 (10) Sections 50.8, 142.3, 144.5, 144.7, 147.2, 4600.6, 6307.1,
- 26 6359, 6712, 9009, and 9022 of the Labor Code.
- 27 (11) Sections 4018.1, 5008.1, 7501, 7502, 7510, 7511, 7515,
- 28 7518, 7530, 7550, 7553, 7575, 7576, 11010, 11174.34, and 13990
- 29 of the Penal Code.
- 30 (12) Section 4806 of the Probate Code.
- 31 (13) Sections 15027, 25912, 28004, 30950, 41781.1, 42830,
- 32 43210, 43308, 44103, and 71081 of the Public Resources Code.
- 33 (14) Section 10405 of the Public Contract Code.
- 34 (15) Sections 883, 1507, and 7718 of the Public Utilities Code.
- 35 (16) Sections 18833, 18838, 18845.2, 18846.2, 18847.2, 18863,
- 36 30461.6, 43010.1, and 43011.1 of the Revenue and Taxation Code.
- 37 (17) Section 11020 of the Unemployment Insurance Code.
- 38 (18) Sections 22511.55, 23158, 27366, and 33000 of the Vehicle
- 39 Code.

1 (19) Sections 5326.9, 5328, 5328.15, 14132, 16902, and 16909,
2 and Division 24 of the Welfare and Institutions Code. Payment
3 for services provided under the Family Planning, Access, Care,
4 and Treatment (Family PACT) Waiver Program pursuant to
5 subdivision (aa) of Section 14132 and Division 24 shall be made
6 through the State Department of Health Care Services. The State
7 Department of Public Health and the State Department of Health
8 Care Services may enter into an interagency agreement for the
9 administration of those payments. This paragraph, to the extent
10 that it applies to the Family PACT Waiver Program, shall become
11 inoperative on June 30, 2012.

12 (20) Sections 13176, 13177.5, 13178, 13193, 13390, 13392,
13 13392.5, 13393.5, 13395.5, 13396.7, 13521, 13522, 13523, 13528,
14 13529, 13529.2, 13550, 13552.4, 13552.8, 13553, 13553.1, 13554,
15 13554.2, 13816, 13819, 13820, 13823, 13824, 13825, 13827,
16 13830, 13834, 13835, 13836, 13837, 13858, 13861, 13862, 13864,
17 13868, 13868.1, 13868.3, 13868.5, 13882, 13885, 13886, 13887,
18 13891, 13892, 13895.1, 13895.6, 13895.9, 13896, 13896.3,
19 13896.4, 13896.5, 13897, 13897.4, 13897.5, 13897.6, 13898,
20 14011, 14012, 14015, 14016, 14017, 14019, 14022, 14025, 14026,
21 14027, and 14029 of the Water Code.