

AMENDED IN ASSEMBLY AUGUST 11, 2016

AMENDED IN ASSEMBLY AUGUST 1, 2016

AMENDED IN SENATE MARCH 30, 2016

SENATE BILL

No. 1473

**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, 1053.5, 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 the heading of Chapter 2 (commencing with Section 200) 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,~~ *and to repeal and add Article 2 (commencing with Section 250) of Chapter 2 of Division 1 of,* the Fish and Game Code, to amend Section 11343.4 of the Government Code, to amend Section 131052 of the Health and Safety Code, to amend Sections ~~30315~~ *5080.18, 30315,* and 30621 of the Public Resources Code, and to repeal Chapter 1700 of the Statutes of 1967, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1473, as amended, Committee on Natural Resources and Water. Natural resources.

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, amphibians, 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.

Existing law confirms a ~~1946~~ 1949 grant of tidelands and submerged lands in trust to the City of Santa Monica, with the exception of certain described lands reserved to the state, subject to certain conditions. Existing law authorizes additional uses of those lands relating to the construction of transportation infrastructure and public facilities, authorizes the city to execute franchises and leases for terms not exceeding 99 years with respect to those lands, authorizes expenditure of revenues from the granted lands for specified purposes, and authorizes the city to sell its interest in portions of the granted lands to the state for freeway or park purposes. Existing law also grants certain tidelands and submerged lands in trust to the City of Los Angeles and the County of Los Angeles, subject to the same conditions and authorized uses. Under existing law, those provisions are not operative unless and until a specified master plan is reviewed by the State Lands Commission and approved by the Legislature. Existing law authorizes the City of Santa Monica, the City of Los Angeles, and the County of Los Angeles to enter into a joint exercise of powers agreement to accomplish their common purposes with respect to the granted lands, and requires the net revenues from the granted lands to be divided between the state and local jurisdictions, as provided. Existing law requires title to the granted lands to revert to the state if those lands are not improved in accordance with the master plan within 10 years after approval of the master plan,

subject to the rights of any lessee, franchise holder, or holder of any security interest or other contractual privilege with respect to the lands.

This bill would repeal those provisions. As a result, the bill would restore the ~~1946~~ 1949 grant of tidelands and submerged lands in trust to the City of Santa Monica, subject to the terms and conditions of that grant, and, with respect to those tidelands and submerged lands granted to the City of Los Angeles and the County of Los Angeles, would restore jurisdiction over those lands to the State Lands Commission.

Existing law authorizes the Department of Parks and Recreation to enter into contracts with natural persons, corporations, partnerships, and associations for the construction, maintenance, and operation of concessions within units of the state park system. Existing law requires those concession contracts to contain certain specified provisions, including a provision that the maximum term shall be 10, 20, or 50 years depending on certain conditions.

Notwithstanding those provisions, existing law authorizes the term to exceed 20 years for a concession agreement at Will Rogers State Beach executed prior to December 31, 1997, as provided, upon approval by the Director of Parks and Recreation and pursuant to a determination by the Director of Parks and Recreation that the longer term is necessary to allow the concessionaire to amortize improvements made by the concessionaire that are anticipated to exceed \$1,500,000 in capital improvements. Existing law prohibits an extension of the term from exceeding 15 years.

This bill would instead authorize the concession agreement to be awarded for up to 50 years in length and would delete the limitation that the concession agreement be executed before December 31, 1997. The bill would also delete the provision limiting an extension of the term of the concession agreement from exceeding 15 years.

This bill would incorporate additional changes to Section 7120 of the Fish and Game Code proposed by SB 345 to be operative only if SB 345 and this bill are chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

This bill would incorporate additional changes to Section 131052 of the Health and Safety Code proposed by SB 1287 to be operative only if SB 1287 and this bill are chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

This bill would incorporate additional changes to Section 5080.18 of the Public Resources Code proposed by AB 2249 to be operative

only if AB 2249 and this bill are chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

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. REGULATION OF TAKE AND POSSESSION GENERALLY
6

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

10
11 Article 1. Authority
12

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

15 200. (a) There is hereby delegated to the commission the power
16 to regulate the taking or possession of birds, mammals, fish,
17 amphibians, and reptiles.

18 (b) No power is delegated to the commission by this section to
19 regulate either of the following:

20 (1) The taking, possessing, processing, or use of fish,
21 amphibians, kelp, or other aquatic plants for commercial purposes.

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

26 (c) This section and any regulations adopted pursuant to this
27 section have no effect on any provision of this code or any
28 regulation adopted pursuant to this code that relates to a matter
29 described in paragraph (1) of subdivision (b).

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

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

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

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

3 110. (a) The commission shall hold no fewer than eight regular
4 meetings per calendar year, if the commission has adequate funding
5 for related travel, including funding for department travel. The
6 commission may also hold special meetings or hearings to receive
7 additional input from the department and the public.

8 (b) The commission shall announce the dates and locations of
9 meetings for the year by January 1 of that year, or 60 days prior
10 to the first meeting, whichever comes first. Meeting locations shall
11 be accessible to the public and located throughout the state. To the
12 extent feasible, meetings shall be held in state facilities. In setting
13 the dates and locations for regular meetings, the commission shall
14 also consider the following factors:

15 (1) Recommendations of the department.

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

17 (3) The schedules of other state and federal regulatory agencies
18 whose regulations affect the management of fish and wildlife of
19 this state.

20 (c) The commission shall cause the notice of the schedule for
21 regular meetings, and notice of any change in the date and location
22 of a meeting, to be disseminated to the public in a manner that will
23 result in broad dissemination and that complies with the
24 Administrative Procedure Act (Chapter 3.5 (commencing with
25 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
26 Code).

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

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

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

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

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

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

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

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

35 SEC. 16. Article 1.5 (commencing with Section 240) of Chapter
36 2 of Division 1 of the Fish and Game Code is repealed.

37 SEC. 17. Article 2 (commencing with Section 250) of Chapter
38 2 of Division 1 of the Fish and Game Code is repealed.

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

Article 2. Procedure

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) Notwithstanding any other law, the commission and the
2 department may contract with private entities to print regulations
3 governed by this article, and other public information. The printing
4 contract shall include criteria to ensure that the public information
5 provided in the publication is easy to reference, read, and
6 understand.

7 (c) Printing contracts authorized by this section for which no
8 state funds are expended are not subject to Chapter 2 (commencing
9 with Section 10290) of Part 2 of Division 2 of the Public Contract
10 Code, except for Article 2 (commencing with Section 10295) of
11 Chapter 2 of Part 2 of Division 2 of the Public Contract Code.

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

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

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

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

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

1 275. A regulation governed by this article shall remain in effect
2 for the period specified in the regulation or until superseded by
3 subsequent regulation of the commission or by statute.

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

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

7
8
9

CHAPTER 3.5. EMERGENCY REGULATIONS

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

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

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

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

25 460. Prior to each meeting of the commission at which the
26 commission considers the regulation of deer and takes action
27 pursuant to paragraph (1) of subdivision (a) of Section 255, the
28 department shall recommend to the commission those deer herd
29 units to be placed under a general deer hunting season. At the same
30 time, the department shall recommend to the commission, subject
31 to the provisions of Sections 458 and 459, whether any antlerless
32 deer should be taken and in what deer herd units antlerless deer
33 are to be taken. If in the judgment of the department there are deer
34 herd units in which hunting pressure would adversely affect the
35 deer herd, impair the hunting experience, or endanger the public
36 safety, the department shall also recommend to the commission
37 those deer herd units where hunter numbers should be restricted
38 and which should be removed from the general deer hunting season
39 designation. The department shall inform the commission of the
40 condition of each deer herd unit. Upon receipt of the

1 recommendations and information required in this section, the
2 commission shall make that material known to the public and its
3 determinations regarding proposed regulations. The
4 recommendations of the department shall, in accordance with the
5 provisions of Sections 458 and 459, include the number, if any,
6 of antlerless deer that should be taken in deer herd units, whether
7 the permits should be either-sex permits, the proposed dates for
8 the taking, and the number of permits proposed for each deer herd
9 unit. At the same time, the department shall recommend the
10 establishment of any hunter-restricted quota units, if needed, and
11 the number of the quota and manner in which the quota permits
12 should be issued.

13 SEC. 22. Section 1053.5 of the Fish and Game Code is
14 amended to read:

15 1053.5. Applicants for hunting licenses shall first satisfactorily
16 complete a hunter education equivalency examination and obtain
17 a certificate of equivalency as provided by regulations adopted by
18 the commission, or show proof of completion of a hunter education
19 training course, or show a previous year's hunting license.

20 SEC. 23. Section 2076.5 of the Fish and Game Code is
21 amended to read:

22 2076.5. Notwithstanding Sections 2071 to 2075.5, inclusive,
23 the commission may adopt a regulation that adds a species to the
24 list of endangered species or to the list of threatened species as an
25 emergency regulation pursuant to Chapter 3.5 (commencing with
26 Section 399) of Division 1 if the commission finds that there is
27 any emergency posing a significant threat to the continued
28 existence of the species. The commission shall notify affected or
29 interested persons of the adoption of the emergency regulation
30 pursuant to the methods described in Section 2074.4.

31 SEC. 24. Article 1.5 (commencing with Section 7110) is added
32 to Chapter 1 of Part 2 of Division 6 of the Fish and Game Code,
33 to read:

34

35 Article 1.5. Sport Fishing Regulations

36

37 7110. (a) The commission may establish by regulation an
38 automatic process to conform its sport fishing regulations to federal
39 regulations.

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

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

7 7115. (a) The department shall identify property it owns or
8 manages that includes areas for sport fishing accessible to persons
9 with disabilities.

10 (b) Commencing with the booklet of sport fishing regulations
11 published by the commission in 1986, the availability of sport
12 fishing areas, identified by the department as accessible to persons
13 with disabilities under subdivision (a), shall be noted in the booklet
14 of regulations, together with telephone numbers and instructions
15 for obtaining a list of those areas from regional department offices.

16 (c) Commencing with the booklet of sport fishing regulations
17 published in 1987, the booklet shall also contain any human health
18 advisories relating to fish that are formally issued by the State
19 Department of Public Health, or summaries of those human health
20 advisories. The summaries shall be prepared in consultation with
21 the State Department of Public Health.

22 SEC. 25. Section 7120 of the Fish and Game Code is amended
23 to read:

24 7120. It is unlawful for any person to possess more than one
25 daily bag limit of any fish taken under a license issued pursuant
26 to Section 714 or Article 3 (commencing with Section 7145) unless
27 authorized by regulations adopted by the commission.

28 SEC. 25.5. *Section 7120 of the Fish and Game Code is amended*
29 *to read:*

30 7120. ~~It~~ *Except as provided in Section 7122, it is unlawful for*
31 *any person to possess more than one daily bag limit of any fish*
32 *taken under a license issued pursuant to Section 714 or Article 3*
33 *(commencing with Section 7145) unless authorized by regulations*
34 *adopted by the commission pursuant to Section 206. commission.*

35 SEC. 26. Section 11343.4 of the Government Code is amended
36 to read:

37 11343.4. (a) Except as otherwise provided in subdivision (b),
38 a regulation or an order of repeal required to be filed with the
39 Secretary of State shall become effective on a quarterly basis as
40 follows:

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

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

5 (3) July 1 if the regulation or order of repeal is filed on March
6 1 to May 31, inclusive.

7 (4) October 1 if the regulation or order of repeal is filed on June
8 1 to August 31, inclusive.

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

11 (1) The effective date is specifically provided by the statute
12 pursuant to which the regulation or order of repeal was adopted,
13 in which event it becomes effective on the day prescribed by the
14 statute.

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

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

20 (4) (A) A regulation adopted by the Fish and Game Commission
21 that is governed by Article 2 (commencing with Section 250) of
22 Chapter 2 of Division 1 of the Fish and Game Code.

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

26 SEC. 27. Section 131052 of the Health and Safety Code is
27 amended to read:

28 131052. In implementing the transfer of jurisdiction pursuant
29 to this article, the State Department of Public Health succeeds to
30 and is vested with all the statutory duties, powers, purposes,
31 responsibilities, and jurisdiction of the former State Department
32 of Health Services as they relate to public health as provided for
33 or referred to in all of the following provisions of law:

34 (1) Sections 550, 555, 650, 680, 1241, 1658, 2221.1, 2248.5,
35 2249, 2259, 2259.5, 2541.3, 2585, 2728, 3527, 4017, 4027, 4037,
36 4191, 19059.5, 19120, 22950, 22973.2, and 22974.8 of the
37 Business and Professions Code.

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

- 1 (3) Sections 8286, 8803, 17613, 32064, 32065, 32066, 32241,
- 2 49030, 49405, 49414, 49423.5, 49452.6, 49460, 49464, 49565,
- 3 49565.8, 49531.1, 56836.165, and 76403 of the Education Code.
- 4 (4) Sections 405, 6021, 6026, 18963, 30852, 41302, and 78486
- 5 of the Food and Agricultural Code.
- 6 (5) Sections 307, 355, 422, 7572, 7574, 8706, 8817, and 8909
- 7 of the Family Code.
- 8 (6) Sections 1786, 4011, 5671, 5674, 5700, 5701, 5701.5, 7115,
- 9 7715, and 15700 of the Fish and Game Code.
- 10 (7) Sections 855, 51010, and 551017.1 of the Government Code.
- 11 For purposes of subdivision (s) of Section 6254 of the Government
- 12 Code, the term “State Department of Health Services” is hereby
- 13 deemed to refer to the State Department of Public Health.
- 14 (8) (A) Sections 475, 1180.6, 1418.1, 1422.1, 1428.2, 1457,
- 15 1505, 1507.1, 1507.5, 1570.7, 1599.2, 1599.60, 1599.75, 1599.87,
- 16 2002, 2804, 11362.7, 11776, 11839.21, 11839.23, 11839.24,
- 17 11839.25, 11839.26, 11839.27, 11839.28, 11839.29, 11839.30,
- 18 11839.31, 11839.32, 11839.33, 11839.34, 17920.10, 17961,
- 19 18897.2, 24185, 24186, 24187, 24275, 26101, 26122, 26134,
- 20 26155, 26200, and 26203.
- 21 (B) Chapters 1, 2, 2.05, 2.3, 2.35, 2.4, 3.3, 3.9, 3.93, 3.95, 4,
- 22 4.1, 4.5, 5, 6, 6.5, 8, 8.3, 8.5, 8.6, 9, and 11 of Division 2.
- 23 (C) Articles 2 and 4 of Chapter 2, Chapter 3, and Chapter 4 of
- 24 Part 1, Part 2 and Part 3 of Division 101.
- 25 (D) Division 102, including Sections 102230 and 102231.
- 26 (E) Division 103, including Sections 104145, 104181, 104182,
- 27 104182.5, 104187, 104191, 104192, 104193, 104316, 104317,
- 28 104318, 104319, 104320, 104321, 104324.2, 104324.25, 104350,
- 29 105191, 105251, 105255, 105280, 105340, and 105430.
- 30 (F) Division 104, including Sections 106615, 106675, 106770,
- 31 108115, 108855, 109282, 109910, 109915, 112155, 112500,
- 32 112650, 113355, 114460, 114475, 114650, 114710, 114850,
- 33 114855, 114985, 115061, 115261, 115340, 115736, 115880,
- 34 115885, 115915, 116064, 116183, 116270, 116365.5, 116366,
- 35 116375, 116610, 116751, 116760.20, 116825, 117100, 117924,
- 36 and 119300.
- 37 (G) Division 105, including Sections 120262, 120381, 120395,
- 38 120440, 120480, 120956, 120966, 121155, 121285, 121340,
- 39 121349.1, 121480, 122410, and 122420.

1 (H) Part 1, Part 2 excluding Articles 5, 5.5, 6, and 6.5 of Chapter
2 3, Part 3 and Part 5 excluding Articles 1 and 2 of Chapter 2, Part
3 7, and Part 8 of Division 106.

4 (9) Sections 799.03, 10123.35, 10123.5, 10123.55, 10123.10,
5 10123.184, and 11520 of the Insurance Code.

6 (10) Sections 50.8, 142.3, 144.5, 144.7, 147.2, 4600.6, 6307.1,
7 6359, 6712, 9009, and 9022 of the Labor Code.

8 (11) Sections 4018.1, 5008.1, 7501, 7502, 7510, 7511, 7515,
9 7518, 7530, 7550, 7553, 7575, 7576, 11010, 11174.34, and 13990
10 of the Penal Code.

11 (12) Section 4806 of the Probate Code.

12 (13) Sections 15027, 25912, 28004, 30950, 41781.1, 42830,
13 43210, 43308, 44103, and 71081 of the Public Resources Code.

14 (14) Section 10405 of the Public Contract Code.

15 (15) Sections 883, 1507, and 7718 of the Public Utilities Code.

16 (16) Sections 18833, 18838, 18845.2, 18846.2, 18847.2, 18863,
17 30461.6, 43010.1, and 43011.1 of the Revenue and Taxation Code.

18 (17) Section 11020 of the Unemployment Insurance Code.

19 (18) Sections 22511.55, 23158, 27366, and 33000 of the Vehicle
20 Code.

21 (19) Sections 5326.9, 5328, 5328.15, 14132, 16902, and 16909,
22 and Division 24 of the Welfare and Institutions Code. Payment
23 for services provided under the Family Planning, Access, Care,
24 and Treatment (Family PACT) Waiver Program pursuant to
25 subdivision (aa) of Section 14132 and Division 24 shall be made
26 through the State Department of Health Care Services. The State
27 Department of Public Health and the State Department of Health
28 Care Services may enter into an interagency agreement for the
29 administration of those payments. This paragraph, to the extent
30 that it applies to the Family PACT Waiver Program, shall become
31 inoperative on June 30, 2012.

32 (20) Sections 13176, 13177.5, 13178, 13193, 13390, 13392,
33 13392.5, 13393.5, 13395.5, 13396.7, 13521, 13522, 13523, 13528,
34 13529, 13529.2, 13550, 13552.4, 13552.8, 13553, 13553.1, 13554,
35 13554.2, 13816, 13819, 13820, 13823, 13824, 13825, 13827,
36 13830, 13834, 13835, 13836, 13837, 13858, 13861, 13862, 13864,
37 13868, 13868.1, 13868.3, 13868.5, 13882, 13885, 13886, 13887,
38 13891, 13892, 13895.1, 13895.6, 13895.9, 13896, 13896.3,
39 13896.4, 13896.5, 13897, 13897.4, 13897.5, 13897.6, 13898,

1 14011, 14012, 14015, 14016, 14017, 14019, 14022, 14025, 14026,
2 14027, and 14029 of the Water Code.

3 *SEC. 27.5. Section 131052 of the Health and Safety Code is*
4 *amended to read:*

5 131052. In implementing the transfer of jurisdiction pursuant
6 to this article, the State Department of Public Health succeeds to
7 and is vested with all the statutory duties, powers, purposes,
8 responsibilities, and jurisdiction of the former State Department
9 of Health Services as they relate to public health as provided for
10 or referred to in all of the following provisions of law:

11 (1) Sections 550, 555, 650, 680, 1241, 1658, 2221.1, 2248.5,
12 2249, 2259, 2259.5, 2541.3, 2585, 2728, 3527, 4017, 4027, 4037,
13 4191, 19059.5, 19120, 22950, 22973.2, and 22974.8 of the
14 Business and Professions Code.

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

16 (3) Sections 8286, 8803, 17613, 32064, 32065, 32066, 32241,
17 49030, 49405, 49414, 49423.5, 49452.6, 49460, 49464, 49565,
18 49565.8, 49531.1, 56836.165, and 76403 of the Education Code.

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

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

23 (6) Sections ~~217.6, 1507~~, 1786, 4011, 5523, 5671, 5674, 5700,
24 5701, 5701.5, ~~7715~~, 7115, and 15700 of the Fish and Game Code.

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

29 (8) (A) Sections 475, 1180.6, 1418.1, 1422.1, 1428.2, 1457,
30 1505, 1507.1, 1507.5, 1570.7, 1599.2, 1599.60, 1599.75, 1599.87,
31 2002, 2804, 11362.7, 11776, 11839.21, 11839.23, 11839.24,
32 11839.25, 11839.26, 11839.27, 11839.28, 11839.29, 11839.30,
33 11839.31, 11839.32, 11839.33, 11839.34, 17920.10, 17961,
34 18897.2, 24185, 24186, 24187, 24275, 26101, 26122, 26134,
35 26155, 26200, and 26203.

36 (B) Chapters 1, 2, 2.05, 2.3, 2.35, 2.4, 3.3, 3.9, 3.93, 3.95, 4,
37 4.1, 4.5, 5, 6, 6.5, 8, 8.3, 8.5, 8.6, 9, and 11 of Division 2.

38 (C) Articles 2 and 4 of Chapter 2, Chapter 3, and Chapter 4 of
39 Part 1, Part 2 and Part 3 of Division 101.

40 (D) Division 102, including Sections 102230 and 102231.

1 (E) Division 103, including Sections 104145, 104181, 104182,
2 104182.5, 104187, 104191, 104192, 104193, 104316, 104317,
3 104318, 104319, 104320, 104321, 104324.2, 104324.25, 104350,
4 105191, 105251, 105255, 105280, 105340, and 105430.

5 (F) Division 104, including Sections 106615, 106675, 106770,
6 108115, 108855, 109282, 109910, 109915, 112155, 112500,
7 112650, 113355, 114460, 114475, 114650, 114710, 114850,
8 114855, 114985, 115061, 115261, 115340, 115736, 115880,
9 115885, 115915, 116064, 116183, 116270, 116365.5, 116366,
10 116375, 116610, 116751, 116760.20, 116825, 117100, 117924,
11 and 119300.

12 (G) Division 105, including Sections 120262, 120381, 120395,
13 120440, 120480, 120956, 120966, 121155, 121285, 121340,
14 121349.1, 121480, 122410, and 122420.

15 (H) Part 1, Part 2 excluding Articles 5, 5.5, 6, and 6.5 of Chapter
16 3, Part 3 and Part 5 excluding Articles 1 and 2 of Chapter 2, Part
17 7, and Part 8 of Division 106.

18 (9) Sections 799.03, 10123.35, 10123.5, 10123.55, 10123.10,
19 10123.184, and 11520 of the Insurance Code.

20 (10) Sections 50.8, 142.3, 144.5, 144.7, 147.2, 4600.6, 6307.1,
21 6359, 6712, 9009, and 9022 of the Labor Code.

22 (11) Sections 4018.1, 5008.1, 7501, 7502, 7510, 7511, 7515,
23 7518, 7530, 7550, 7553, 7575, 7576, 11010, 11174.34, and 13990
24 of the Penal Code.

25 (12) Section 4806 of the Probate Code.

26 (13) Sections 15027, 25912, 28004, 30950, 41781.1, 42830,
27 43210, 43308, 44103, and 71081 of the Public Resources Code.

28 (14) Section 10405 of the Public Contract Code.

29 (15) Sections 883, 1507, and 7718 of the Public Utilities Code.

30 (16) Sections 18833, 18838, 18845.2, 18846.2, 18847.2, 18863,
31 30461.6, 43010.1, and 43011.1 of the Revenue and Taxation Code.

32 (17) Section 11020 of the Unemployment Insurance Code.

33 (18) Sections 22511.55, 23158, 27366, and 33000 of the Vehicle
34 Code.

35 (19) Sections 5326.9, 5328, 5328.15, 14132, 16902, and 16909,
36 and Division 24 of the Welfare and Institutions Code. Payment
37 for services provided under the Family Planning, Access, Care,
38 and Treatment (Family PACT) Waiver Program pursuant to
39 subdivision (aa) of Section 14132 and Division 24 shall be made
40 through the State Department of Health Care Services. The State

1 Department of Public Health and the State Department of Health
2 Care Services may enter into an interagency agreement for the
3 administration of those payments. This paragraph, to the extent
4 that it applies to the Family PACT Waiver Program, shall become
5 inoperative on June 30, 2012.

6 (20) Sections 13176, 13177.5, 13178, 13193, 13390, 13392,
7 13392.5, 13393.5, 13395.5, 13396.7, 13521, 13522, 13523, 13528,
8 13529, 13529.2, 13550, 13552.4, 13552.8, 13553, 13553.1, 13554,
9 13554.2, 13816, 13819, 13820, 13823, 13824, 13825, 13827,
10 13830, 13834, 13835, 13836, 13837, 13858, 13861, 13862, 13864,
11 13868, 13868.1, 13868.3, 13868.5, 13882, 13885, 13886, 13887,
12 13891, 13892, 13895.1, 13895.6, 13895.9, 13896, 13896.3,
13 13896.4, 13896.5, 13897, 13897.4, 13897.5, 13897.6, 13898,
14 14011, 14012, 14015, 14016, 14017, 14019, 14022, 14025, 14026,
15 14027, and 14029 of the Water Code.

16 *SEC. 28. Section 5080.18 of the Public Resources Code is*
17 *amended to read:*

18 5080.18. ~~All~~ ~~A~~ concession ~~contracts~~ *contract* entered into
19 pursuant to this article shall contain, but ~~are~~ *is* not limited to, all
20 of the following provisions:

21 (a) (1) The maximum term shall be 10 years, except that a term
22 of more than 10 years may be provided if the director determines
23 that the longer term is necessary to allow the concessionaire to
24 amortize improvements made by the concessionaire, to facilitate
25 the full utilization of a structure that is scheduled by the department
26 for replacement or redevelopment, or to serve the best interests of
27 the state. The term shall not exceed 20 years without specific
28 authorization by statute. Except as provided in Section 5080.16,
29 all renewals of concession contracts pursuant to this paragraph
30 shall be subject to competitive bidding requirements.

31 (2) The maximum term shall be 50 years if the concession
32 contract is for the construction, development, and operation of
33 multiple-unit lodging facilities equipped with full amenities,
34 including plumbing and electrical, that is anticipated to exceed an
35 initial cost of one million five hundred thousand dollars
36 (\$1,500,000) in capital improvements in order to begin operation.
37 The term for a concession contract described in this paragraph
38 shall not exceed 50 years without specific authorization by statute.
39 Except as provided in Section 5080.16, all renewals of concession

1 contracts pursuant to this paragraph shall be subject to competitive
2 bidding requirements.

3 (3) Notwithstanding paragraph (1), a concession agreement at
4 Will Rogers State Beach ~~executed prior to December 31, 1997,~~
5 ~~including, but not limited to, an agreement signed pursuant to~~
6 ~~Section 25907 of the Government Code,~~ may be extended to exceed
7 ~~20~~ awarded for up to 50 years in total length without specific
8 authorization by statute, upon approval by the director and pursuant
9 to a determination by the director that the longer term is necessary
10 to allow the concessionaire to amortize improvements made by
11 the concessionaire that are anticipated to exceed one million five
12 hundred thousand dollars (\$1,500,000) in capital improvements.
13 ~~Any extensions granted pursuant to this paragraph shall not be for~~
14 ~~more than 15 years.~~

15 (b) Every concessionaire shall submit to the department all sales
16 and use tax returns and, at the request of the department, provide
17 an annual financial statement prepared or audited by a certified
18 public accountant.

19 (c) Every concession shall be subject to audit by the department.

20 (d) A performance bond shall be obtained and maintained by
21 the concessionaire. In lieu of a bond, the concessionaire may
22 substitute a deposit of funds acceptable to the department. Interest
23 on the deposit shall accrue to the concessionaire.

24 (e) The concessionaire shall obtain and maintain in force at all
25 times a policy of liability insurance in an amount adequate for the
26 nature and extent of public usage of the concession and naming
27 the state as an additional insured.

28 (f) Any discrimination by the concessionaire or his or her agents
29 or employees against any person because of the marital status or
30 ancestry of that person or any characteristic listed or defined in
31 Section 11135 of the Government Code is prohibited.

32 (g) To be effective, any modification of the concession contract
33 shall be evidenced in writing.

34 (h) Whenever a concession contract is terminated for substantial
35 breach, there shall be no obligation on the part of the state to
36 purchase any improvements made by the concessionaire.

37 *SEC. 28.5. Section 5080.18 of the Public Resources Code is*
38 *amended to read:*

1 5080.18. ~~All~~ A concession ~~contracts~~ *contract* entered into
2 pursuant to this article shall contain, but ~~are~~ *is* not limited to, all
3 of the following provisions:

4 (a) (1) The maximum term shall be 10 years, except that a term
5 of more than 10 years may be provided if the director determines
6 that the longer term is necessary to allow the concessionaire to
7 amortize improvements made by the concessionaire, to facilitate
8 the full utilization of a structure that is scheduled by the department
9 for replacement or redevelopment, or to serve the best interests of
10 the state. The term shall not exceed 20 years without specific
11 authorization by statute. Except as provided in Section 5080.16,
12 all renewals of concession contracts pursuant to this paragraph
13 shall be subject to competitive bidding requirements.

14 (2) The maximum term shall be 50 years if the concession
15 contract is for the construction, development, and operation of
16 multiple-unit lodging facilities equipped with full amenities,
17 including plumbing and electrical, that is anticipated to exceed an
18 initial cost of one million five hundred thousand dollars
19 (\$1,500,000) in capital improvements in order to begin operation.
20 The term for a concession contract described in this paragraph
21 shall not exceed 50 years without specific authorization by statute.
22 Except as provided in Section 5080.16, all renewals of concession
23 contracts pursuant to this paragraph shall be subject to competitive
24 bidding requirements.

25 (3) Notwithstanding paragraph (1), a concession agreement at
26 Will Rogers State Beach ~~executed prior to December 31, 1997,~~
27 ~~including, but not limited to, an agreement signed pursuant to~~
28 ~~Section 25907 of the Government Code,~~ may be extended to exceed
29 ~~20~~ *awarded for up to 50 years in total* length without specific
30 authorization by statute, upon approval by the director and pursuant
31 to a determination by the director that the longer term is necessary
32 to allow the concessionaire to amortize improvements made by
33 the concessionaire that are anticipated to exceed one million five
34 hundred thousand dollars (\$1,500,000) in capital improvements.
35 ~~Any extensions granted pursuant to this paragraph shall not be for~~
36 ~~more than 15 years.~~

37 (b) Every concessionaire shall submit to the department all sales
38 and use tax returns and, at the request of the department, provide
39 an annual financial statement prepared or audited by a certified
40 public accountant.

1 (c) Every concession shall be subject to audit by the department.

2 (d) A performance bond shall be obtained and maintained by
3 the concessionaire. In lieu of a bond, the concessionaire may
4 substitute a deposit of funds acceptable to the department. Interest
5 on the deposit shall accrue to the concessionaire.

6 (e) The concessionaire shall obtain and maintain in force at all
7 times a policy of liability insurance in an amount adequate for the
8 nature and extent of public usage of the concession and naming
9 the state as an additional insured.

10 (f) Any discrimination by the concessionaire or his or her agents
11 or employees against any person because of the marital status or
12 ancestry of that person or any characteristic listed or defined in
13 Section 11135 of the Government Code is prohibited.

14 (g) To be effective, any modification of the concession contract
15 shall be evidenced in writing.

16 (h) Whenever a concession contract is terminated for substantial
17 breach, there shall be no obligation on the part of the state to
18 purchase any improvements made by the concessionaire.

19 *(i) If a concessionaire makes a legal claim or assertion to have
20 a trademark or service mark interest in violation of subdivision
21 (a) of Section 5080.22, the concessionaire shall forfeit the right
22 to bid on future state park concession contracts to the extent
23 authorized by federal law.*

24 *(j) If a current or former concessionaire in bad faith files a
25 federal or state trademark or service mark application for a
26 trademark or service mark that incorporates or implies an
27 association with a state park venue, or its historical, cultural, or
28 recreational resources, and the state files a successful opposition
29 or cancellation with respect to that trademark or service mark
30 application, the concessionaire shall be responsible for the state's
31 attorney fees, costs, and expenses associated with that opposition
32 or cancellation.*

33 ~~SEC. 28.~~

34 ~~SEC. 29.~~ Section 30315 of the Public Resources Code is
35 amended to read:

36 30315. (a) The commission shall meet at least 11 times
37 annually at a place convenient to the public. Each meeting shall
38 occur not more than 45 working days after the previous meeting.
39 All meetings of the commission shall be open to the public.

1 (b) A majority of the total appointed membership of the
2 commission shall constitute a quorum. An action taken by the
3 commission under this division requires a majority vote of the
4 members present at the meeting of the commission, with a quorum
5 being present, unless otherwise specifically provided for in this
6 division.

7 ~~SEC. 29.~~

8 *SEC. 30.* Section 30621 of the Public Resources Code is
9 amended to read:

10 30621. (a) The commission shall provide for a de novo public
11 hearing on applications for coastal development permits and any
12 appeals brought pursuant to this division and shall give to any
13 affected person a written public notice of the nature of the
14 proceeding and of the time and place of the public hearing. Notice
15 shall also be given to any person who requests, in writing, such
16 notification. A hearing on any coastal development permit
17 application or an appeal shall be set no later than 49 working days
18 after the date on which the application or appeal is filed with the
19 commission.

20 (b) An appeal that is properly submitted shall be considered to
21 be filed when any of the following occurs:

22 (1) The executive director determines that the appeal is not
23 patently frivolous pursuant to subdivision (d) of Section 30620.

24 (2) The five-day period for the executive director to determine
25 whether an appeal is patently frivolous pursuant to subdivision (d)
26 of Section 30620 expires without that determination.

27 (3) The appellant pays the filing fee within the five-day period
28 set forth in subdivision (d) of Section 30620.

29 ~~SEC. 30.~~

30 *SEC. 31.* Chapter 1700 of the Statutes of 1967 is repealed.

31 *SEC. 32.* Section 25.5 of this bill incorporates amendments to
32 Section 7120 of the Fish and Game Code proposed by both this
33 bill and Senate Bill 345. It shall only become operative if (1) both
34 bills are enacted and become effective on or before January 1,
35 2017, (2) each bill amends Section 7120 of the Fish and Game
36 Code, and (3) this bill is enacted after Senate Bill 345, in which
37 case Section 25 of this bill shall not become operative.

38 *SEC. 33.* Section 27.5 of this bill incorporates amendments to
39 Section 131052 of the Health and Safety Code proposed by both
40 this bill and Senate Bill 1287. It shall only become operative if (1)

1 *both bills are enacted and become effective on or before January*
2 *1, 2017, (2) each bill amends Section 131052 of the Health and*
3 *Safety Code, and (3) this bill is enacted after Senate Bill 1287, in*
4 *which case Section 27 of this bill shall not become operative.*

5 *SEC. 34. Section 28.5 of this bill incorporates amendments to*
6 *Section 5080.18 of the Public Resources Code proposed by both*
7 *this bill and Assembly Bill 2249. It shall only become operative if*
8 *(1) both bills are enacted and become effective on or before*
9 *January 1, 2017, (2) each bill amends Section 5080.18 of the Public*
10 *Resources Code, and (3) this bill is enacted after Assembly Bill*
11 *2249, in which case Section 28 of this bill shall not become*
12 *operative.*

O