

## STAFF SUMMARY FOR FEBRUARY 8-9, 2017

**36B. OTHER INFORMATIONAL ITEMS – LEGISLATIVE UPDATE****Today's Item**Information Action 

Review and discuss legislation of interest, and provide any staff direction.

**Summary of Previous/Future Actions**

- Brief legislative update Dec 7-8, 2016; San Diego
- **Today's update and possible action Feb 8-9, 2017; Rohnert Park**

**Background**

The California State Legislature (Legislature) reconvened the 2017-18 session on January 4, 2017; Feb 17 is the last day for bills to be introduced. The Legislature will be on spring recess from Apr 7 through Apr 16, and Apr 28 is the last day for policy committees to hear and report to fiscal committees the fiscal bills introduced in their house.

FGC staff has prepared a list of legislative bills that may impact FGC's resources and workload (see below), which includes a brief synopsis and current bill status. Additional information is also available in DFW's Feb 2017 Legislative Report (Exhibit 1).

This is an opportunity for FGC to provide direction to staff concerning any proposed legislation. At any meeting, FGC may direct staff to provide information to or share concerns with bill authors. FGC members also have the option to take positions on bills at the same meeting an update is provided.

**Introduced Legislation**

1. **AB 12 (Cooley) – State government: Administrative regulations, review.** Referred to Accountability and Administrative Review Committee.

This bill would require each state agency to, on or before January 1, 2020, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2021.

2. **AB 77 (Fong) – Regulations: effective dates and legislative review.** Referred to Accountability and Administrative Review Committee.

This bill would require the Office of Administrative Law to submit to each house of the Legislature for review a copy of each major regulation that it submits to the Secretary of State. The bill would eliminate the quarterly schedule pursuant to which regulations and orders of repeal become effective, as well as the provisions specifically addressing the effective dates of regulations adopted by FGC. The bill would, instead, provide that a regulation or order of repeal filed with the Secretary of State generally becomes effective the 90th day after the date of filing, subject to certain exceptions. The bill would add another exception to those currently provided that specifies that a regulation does not become effective if the Legislature passes a statute to override the regulation.

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- 3. SB 161 (McGuire) – Fish and Game Commission: tribal committee.** Pending referral to a committee.

This bill would require the commission to form a tribal committee from its membership consisting of at least one commissioner and would require the committee to report to the commission from time to time on its activities and to make recommendations on all tribal matters considered by FGC, consistent with requirements for MRC and WRC.

- 4. SB 183 (Lara) – Marine protected areas: Native American tribes.** Pending referral to a committee.

This bill would authorize a California Native American tribe to submit a request to the Native American Heritage Commission (NAHC) to approve the tribe's record of aboriginal use of a specified area of the marine environment for subsistence and cultural purposes. Upon approval by NAHC of the tribe's record, the bill would authorize the tribe to request, and would require FGC to issue, an exemption that authorizes members and lineal descendants of the tribe to engage in subsistence fishing and cultural gathering and use of live plants and dead animals within any state marine conservation area or state marine park located in the area described in the approval where the aboriginal use occurred.

**Significant Public Comments (N/A)****Recommendation (N/A)****Exhibits**

1. [DFW legislative report, dated Jan 30, 2017](#)

**Motion/Direction (N/A)**



# Department of Fish & Wildlife Legislative Report February 2017

(as of January 30, 2017)

## [AB 7](#)

### **(Gipson D) Firearms: open carry.**

**Introduced:** 12/5/2016

**Status:** 12/6/2016-From printer. May be heard in committee January 5.

**Location:** 12/5/2016-A. PRINT

**Summary:** Current law, subject to exceptions, makes it an offense to openly carry an exposed and unloaded handgun on the person outside a vehicle, or inside or on a vehicle, in or on a public place or public street, in an incorporated city or city and county or in a prohibited area of an unincorporated area of a county or city and county. Current law provides that the offense is punishable as a misdemeanor, or as a misdemeanor with specified penalties if certain conditions apply. This bill would make a technical, nonsubstantive change to those provisions.

## [AB 8](#)

### **(Bloom D) Mountain lions: depredation permits.**

**Introduced:** 12/5/2016

**Status:** 1/19/2017-Referred to Com. on W.,P., & W.

**Location:** 1/19/2017-A. W.,P. & W.

**Summary:** The California Wildlife Protection Act of 1990 establishes that the mountain lion is a specially protected mammal under the laws of this state, and makes it unlawful to take, injure, possess, transport, import, or sell a mountain lion or a product of a mountain lion. The act authorizes a person whose livestock or other property is being or has been injured, damaged, or destroyed by a mountain lion to report that fact to the Department of Fish and Wildlife and request a permit to take the mountain lion. The act requires the department or a specifically authorized animal damage control officer to immediately confirm the reported depredation by a mountain lion, and then promptly issue a permit to take the mountain lion. This bill would authorize, rather than require, the issuance of a permit under these circumstances.

## [AB 12](#)

### **(Cooley D) State government: administrative regulations: review.**

**Introduced:** 12/5/2016

**Status:** 1/19/2017-Referred to Com. on A. & A.R.

**Location:** 1/19/2017-A. A. & A.R.

**Summary:** Would require each state agency to, on or before January 1, 2020, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2021.

## [AB 18](#)

### **(Garcia, Eduardo D) California Clean Water, Climate, and Coastal Protection and Outdoor Access For All Act of 2018.**

**Introduced:** 12/5/2016

**Status:** 1/19/2017-Referred to Com. on W.,P., & W.

**Location:** 1/19/2017-A. W.,P. & W.

**Summary:** Would enact the California Clean Water, Climate, and Coastal Protection and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an amount of \$3,005,000,000 pursuant to the State General Obligation Bond Law to finance a clean water, climate, and coastal protection and outdoor access for all program. This bill contains other related provisions.

[AB 77](#)

**(Fong R) Regulations: effective dates and legislative review.**

**Introduced:** 1/4/2017

**Status:** 1/19/2017-Referred to Com. on A. & A.R.

**Location:** 1/19/2017-A. A. & A.R.

**Summary:** Would require the Office of Administrative Law to submit to each house of the Legislature for review a copy of each major regulation that it submits to the Secretary of State. The bill would eliminate the quarterly schedule pursuant to which regulations and orders of repeal become effective, as well as the provisions specifically addressing the effective dates of regulations adopted by the Fish and Game Commission. The bill would, instead, provide that a regulation or order of repeal required to be filed with the Secretary of State generally becomes effective the 90th day after the date of filing, subject to certain exceptions.

[AB 166](#)

**(Salas D) Drinking water.**

**Introduced:** 1/13/2017

**Status:** 1/17/2017-From printer. May be heard in committee February 16.

**Location:** 1/13/2017-A. PRINT

**Summary:** Current law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. This bill would make technical, nonsubstantive changes to these provisions.

[SB 1](#)

**(Beall D) Transportation funding.**

**Introduced:** 12/5/2016

**Last Amend:** 1/26/2017

**Status:** 1/26/2017-Referred to Com. on RLS. From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

**Location:** 12/5/2016-S. RLS.

**Summary:** Would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. The bill would require the California Transportation Commission to adopt performance criteria, consistent with a specified asset management plan, to ensure efficient use of certain funds available for the program. This bill contains other related provisions and other existing laws.

[SB 5](#)

**(De León D) California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.**

**Introduced:** 12/5/2016

**Status:** 1/12/2017-Referred to Coms. on N.R. & W. and GOV. & F.

**Location:** 1/12/2017-S. N.R. & W.

**Summary:** Would enact the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an amount of \$3,000,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program.

[SB 22](#)

**(Hill D) Firearms: law enforcement agencies: agency firearm accounting.**

**Introduced:** 12/5/2016

**Status:** 1/12/2017-Referred to Com. on PUB. S.

**Location:** 1/12/2017-S. PUB. S.

**Summary:** Would require a law enforcement agency, as defined, to adopt a written procedure to account for firearms that are owned, acquired, maintained, sold, loaned, lost, stolen, or in any way possessed by that agency or by an employee of that agency if used or carried for purposes of carrying out the official duties of his or her employment, as specified. The bill would require that the acquisition of firearms by an agency employee for use within the course of his or her employment be entered into the AFS, and would require that a record of firearms that are lost, stolen, or otherwise disposed of be entered into the AFS.

- [SB 58](#)**      **([McGuire D](#)) Wildlife management areas: payment of taxes and assessments.**  
**Introduced:** 12/12/2016  
**Status:** 1/12/2017-Referred to Com. on N.R. & W.  
**Location:** 1/12/2017-S. N.R. & W.  
**Summary:** Existing law regulates real property acquired and operated by the state as wildlife management areas, and authorizes the Department of Fish and Wildlife, when income is directly derived from that real property, to annually pay to the county in which the property is located an amount equal to the county taxes levied upon the property at the time it was transferred to the state. Existing law requires those payments to only be made from funds that are appropriated to the department for those purposes. This bill would, commencing with the 2018–19 fiscal year and each fiscal year thereafter, require, instead of authorize, the department to make these payments subject to appropriation by the Legislature.
- [SB 80](#)**      **([Wieckowski D](#)) California Environmental Quality Act: notices.**  
**Introduced:** 1/11/2017  
**Status:** 1/19/2017-Referred to Com. on EQ.  
**Location:** 1/19/2017-S. E.Q.  
**Summary:** The California Environmental Quality Act requires the lead agency to mail certain notices to persons who have filed a written request for notices. The act provides that if the agencies offer to provide the notices by email, upon filing a written request for notices, a person may request that the notices be provided to him or her by email. This bill would require the lead agency to post those notices on the agency’s Internet Web site. The bill would require the agency to offer to provide those notices by email. Because this bill would increase the level of service provided by a local agency, this bill would impose a state-mandated local program.
- [SB 144](#)**      **([McGuire D](#)) Fish and wildlife: steelhead trout: fishing report-restoration card.**  
**Introduced:** 1/13/2017  
**Status:** 1/26/2017-Referred to Com. on N.R. & W.  
**Location:** 1/26/2017-S. N.R. & W.  
**Summary:** Current law requires revenues from steelhead trout fishing license fees to be deposited in the Fish and Game Preservation Fund and to be available for expenditure, upon appropriation by the Legislature, to monitor, restore, or enhance steelhead trout resources consistent with specified law, and to administer the fishing report-restoration card program. These provisions become inoperative as of July 1, 2017, and are repealed as of January 1, 2018. This bill would extend the operation of those provisions to July 1, 2022, to be repealed as of January 1, 2023.
- [SB 161](#)**      **([McGuire D](#)) Fish and Game Commission: tribal committee.**  
**Introduced:** 1/19/2017  
**Status:** 1/20/2017-From printer. May be acted upon on or after February 19.  
**Location:** 1/19/2017-S. RLS.  
**Summary:** Current law requires the Fish and Game Commission to form a marine resources committee and a wildlife resources committee from its membership. This bill would require the commission to form a tribal committee from its membership consisting of at least one commissioner and would require the committee to report to the commission from time to time on its activities and to make recommendations on all tribal matters considered by the commission.
- [SB 183](#)**      **([Lara D](#)) Marine protected areas: Native American tribes.**  
**Introduced:** 1/24/2017  
**Status:** 1/25/2017-From printer. May be acted upon on or after February 24.  
**Location:** 1/24/2017-S. RLS.  
**Summary:** Current law requires that any proposals for marine protected areas made after January 1, 2002, follow the guidelines set forth in the MMAIA and that specified areas and reserves be designated, deleted, or modified by the commission pursuant to the MMAIA, and the restrictions and

allowable uses applicable to those areas be as set forth in the MMAIA. Current law establishes the Native American Heritage Commission and vests the commission with specified powers and duties. This bill would authorize a California Native American tribe to submit a request to the Native American Heritage Commission to approve the tribe's record of aboriginal use of a specified area of the marine environment for subsistence and cultural purposes.

**SB 187** **(Berryhill R) Sport fishing licenses.**

**Introduced:** 1/25/2017

**Status:** 1/26/2017-From printer. May be acted upon on or after February 25.

**Location:** 1/25/2017-S. RLS.

**Summary:** Current law requires every person 16 years of age or older who takes any fish, reptile, or amphibian for any purpose other than profit to first obtain a sport fishing license for that purpose, with specified exceptions, and to have that license on his or her person or in his or her immediate possession when engaged in carrying out any activity authorized by the license. Current law requires the Department of Fish and Wildlife and authorized license agents to issue sport fishing licenses that are valid for various periods of time upon payment of the fee applicable to the particular license. This bill would make nonsubstantive changes to this provision.

For more information call:

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You can also find legislative information on the web at <http://leginfo.legislature.ca.gov/> and follow the prompts from the 'bill information' link.