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AB-379 Wildlife conservation. (2021-2022)

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Assembly Bill No. 379

CHAPTER 701

An act to amend Section 1350 of the Fish and Game Code, relating to conservation.

[Approved by Governor October 08, 2021. Filed with Secretary of State October 08, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 379, Gallagher. Wildlife conservation.

The Wildlife Conservation Law of 1947 establishes the Wildlife Conservation Board in the Department of Fish and Wildlife. Existing law requires the board to investigate, study, and determine the areas in the state that are most suitable for certain wildlife-related purposes.

Existing law authorizes the department, with the approval of the board, to enter into agreements with any other department or agency of this state, any local agency, or nonprofit organization, to provide for the construction, management, or maintenance of the facilities authorized by the board, and authorizes such other department or agency of this state, local agency, or nonprofit organization, and each of them to construct, manage, or maintain those facilities pursuant to the agreement. Existing law authorizes the board to make grants or loans to nonprofit organizations, local governmental agencies, federal agencies, and state agencies for various purposes in connection with fish and wildlife habitats.

This bill would authorize the department to also enter into that type of agreement with a California Native American tribe. The bill would also authorize the board to make grants or loans to California Native American tribes for various purposes in connection with fish and wildlife habitats.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1350 of the Fish and Game Code is amended to read:

1350. (a) (1) The department shall, when authorized by the board, construct in accordance with law those facilities as are suitable for the purpose for which the real property or rights in real property or water, or water rights, were acquired. Each completed project shall be managed and maintained by the department.

(2) The department, with the approval of the board, may enter into agreements with any other department or agency of this state, any local agency, any California Native American tribe, as defined in Section 21073 of the Public Resources Code, or any nonprofit organization, to provide for the construction, management, or maintenance of the facilities authorized by the board, and such other department or agency of this state, local agency, California Native American tribe, or nonprofit organization, and each of them may construct, manage, or maintain those facilities pursuant to the agreement. Work performed by a local

agency, California Native American tribe, or nonprofit organization under those agreements is exempt from Chapter 1 (commencing with Section 10100) of Part 2 of Division 2 of the Public Contract Code. However, nothing in this section shall be construed to exempt any work from Part 7 (commencing with Section 1720) of Division 2 of the Labor Code.

(b) The department, when authorized by the board, may apply for and accept federal grants, and receive gifts, donations, and other financial support from public or private sources to be used for fish and wildlife habitat enhancement, including riparian habitat restoration projects on real property or waters for which the state obtains an interest. Funds received from any of those sources shall be deposited in the Wildlife Restoration Fund or the Fish and Game Preservation Fund.

(c) The board may award grants or loans to nonprofit organizations, local governmental agencies, federal agencies, state agencies, and California Native American tribes for the purposes of fish and wildlife habitat restoration, enhancement, management, protection and improvement of riparian resources, and for development of compatible public access facilities in the same manner and subject to the same terms and conditions as prescribed in Section 31116 of the Public Resources Code. Proceeds from repayment of any loans and the interest thereon shall be deposited in the Wildlife Restoration Fund.