

Assembly Bill No. 2609

CHAPTER 592

An act to amend Section 102 of, to add Sections 101.5, 107, and 108 to, and to repeal Section 106 of, the Fish and Game Code, relating to the Fish and Game Commission.

[Approved by Governor September 26, 2012. Filed with
Secretary of State September 26, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2609, Hueso. Fish and Game Commission.

The California Constitution establishes the 5-member Fish and Game Commission, with members appointed by the Governor and approved by the Senate. Existing law requires the commissioners to elect one of their number as president and one as vice president.

This bill would modify that election provision to instead require that the commissioners annually elect one of their number as president and one as vice president, by a concurrent vote of at least 3 commissioners. The bill would prohibit a president or vice president from serving more than 2 consecutive years and would prohibit the commission from adopting or enforcing any other policy or regulation that would make a commissioner ineligible to be elected as president or vice president of the commission. The bill would authorize the president or vice president to be removed from these positions by a vote, at any time, of at least 3 commissioners. The bill would require the commission to fill a vacancy in either position at the next regularly scheduled meeting of the commission, as prescribed. The bill would require the commission to adopt a code of conduct that requires a commissioner to adhere to prescribed principles and, by July 1, 2013, to adopt rules to govern the business practices and processes of the commission. The bill would state the intent of the Legislature to encourage the Governor and the Senate Committee on Rules to consider certain minimum qualifications in selecting, appointing, and confirming commissioners to serve on the commission.

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

SECTION 1. Section 101.5 is added to the Fish and Game Code, to read:
101.5. (a) The Legislature finds and declares that the scope and responsibilities of the commission have significantly expanded over the years as the size and diversity of California's population have increased, and as the scientific knowledge of the habitat conservation and ecosystem-based management needs of wildlife has expanded. The members

of the commission are expected to make complex public policy and biological decisions on behalf of the people of California. The commission is created by the California Constitution, which does not include any criteria or qualifications for selection and appointment of commissioners.

(b) It is therefore the intent of the Legislature to encourage the Governor and the Senate Committee on Rules to consider the following minimum qualifications in selecting, appointing, and confirming commissioners to serve on the commission:

(1) The degree to which the appointee will enhance the diversity of background and geographic representation of the commission.

(2) The appointee's demonstrated interest and background in, and familiarity with, wildlife and natural resources management programs at the state or federal level.

(3) The appointee's previous experience in public policy decisionmaking, including government processes involving public participation.

(4) The appointee's commitment to prepare for and attend meetings and subcommittee meetings of the commission and to comply with all applicable state conflict-of-interest laws.

(5) The extent of the appointee's exposure to and experience with the basic science underpinning the management of living natural resources.

(6) The appointee's diversity of knowledge of natural resource issues and related scientific disciplines, including, but not limited to, outdoor recreation.

SEC. 2. Section 102 of the Fish and Game Code is amended to read:

102. (a) The commissioners shall annually elect one of their number as president and one as vice president, by a concurrent vote of at least three commissioners.

(b) No president or vice president shall serve more than two consecutive years.

(c) The president or vice president may be removed from the position of president or vice president by a vote, at any time, of at least three commissioners.

(d) In the event of a vacancy in either the position of president or vice president, the commission shall fill that vacancy at the next regularly scheduled meeting of the commission. The elected successor president or vice president shall serve for the unexpired term of the predecessor until the annual election pursuant to subdivision (a).

(e) Except as provided in subdivision (b), the commission may not adopt or enforce a policy or a regulation that provides for the president and vice president to be chosen by seniority nor may the commission adopt or enforce any other policy or regulation that would make a commissioner ineligible to be elected as president or vice president of the commission.

SEC. 3. Section 106 of the Fish and Game Code is repealed.

SEC. 4. Section 107 is added to the Fish and Game Code, to read:

107. The commission shall adopt a code of conduct that requires, at a minimum, that a commissioner adhere to the following principles:

(a) A commissioner shall faithfully discharge the duties, responsibilities, and quasi-judicial actions of the commission.

(b) A commissioner shall conduct his or her affairs in the public's best interest, following principles of fundamental fairness and due process of law.

(c) A commissioner shall conduct his or her affairs in an open, objective, and impartial manner, free of undue influence and the abuse of power and authority.

(d) A commissioner understands that California's wildlife and natural resources programs require public awareness, understanding, and support of, and participation and confidence in, the commission and its practices and procedures.

(e) A commissioner shall preserve the public's welfare and the integrity of the commission, and act to maintain the public's trust in the commission and the implementation of its regulations and policies.

(f) A commissioner shall not conduct himself or herself in a manner that reflects discredit upon state laws or policies, regulations, and principles of the commission.

(g) A commissioner shall not make, participate in making, or in any other way attempt to use his or her official position to influence a commission decision in which the member has a financial interest.

SEC. 5. Section 108 is added to the Fish and Game Code, to read:

108. By July 1, 2013, the commission shall adopt rules to govern the business practices and processes of the commission.