

County of Santa Cruz

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January 27, 1999

Agenda: February 2, 1999

Board of Supervisors
County of Santa Cruz
701 Ocean Street, Room 500
Santa Cruz, California 95060

Re: State Board of Forestry Membership

Dear Members of the Board:

This is in response to the direction of the Board at your meeting of January 26, 1999, for information regarding the terms of office of members of the State Board of Forestry.

The membership of the State Board of Forestry is prescribed by Public Resources Code Section 73 1, a copy of which is attached. This section provides for a nine member board, consisting of five public members, three members from the forest products industry, and one member from the range livestock industry. Section 733, a copy of which is attached provides for a staggering of the terms of the members of the State Board of Forestry with the terms ending on January 15. The tenure of Board members is prescribed by Section 732, a copy of which is also attached. Section 732 states:

“Each member of the board shall hold office for four years from the expiration of the term of his or her predecessor. Vacancies shall be immediately filled by the Governor.”

Prior to its amendment in 1988, Section 732 read as follows:

“Each member of the board shall hold office for four years from the expiration of

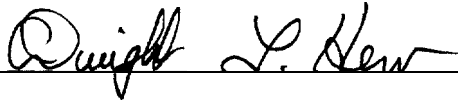
the term of his or her predecessor *and until his successor is appointed*. Vacancies shall be immediately filled by the Governor.”

The italicized wording was deleted by the 1988 amendment. It thus appears clear that although prior to 1988 a member of the Board would serve until his or her successor was appointed, under the current version of the statute the member’s term expires on January 15 regardless of when the successor is appointed.

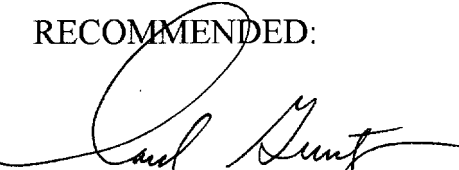
IT IS THEREFORE RECOMMENDED that your Board accept and file this report on the membership of the State Board of Forestry.

Very truly yours,

DWIGHT L. HERR, COUNTY COUNSEL



RECOMMENDED:


for _____
SUSAN A. MAURIELLO
County Administrative Officer

cc: CAO; Planning

Historical Note

Section 5 of Stats.1973, c. 880, p. 1631, provided:

“(a) All stocking requirements under provisions of law which were in existence on or before January 1, 1974, shall remain in full force and effect for timberland which was harvested prior to January 1, 1974.

“(b) All forest practice rules, excluding rules for stocking, which are in existence on December 31, 1973, shall remain in full force and effect until superseded by interim or initial rules adopted by the board pursuant to Section 4551 of the Public Resources Code.

“(c) Notwithstanding the provisions of Sections 4572 and 4577 of the Public Resources Code, procedures and fees for permits to engage in timber operations under

provisions of law which are in existence on December 31, 1973, shall remain in full force and effect until December 31, 1974.”

Subdivision (a) of § 5, Stats.1973, c. 880, p. 1631, (see text, ante) was repealed by Stats.1975, c. 372, p. 829, § 28. See, now, § 4561.2.

Derivation: Former § 630, added by Stats.1973, c. 880, p. 1611, § 2.

Former § 630, added by Stats.1965, c. 1144, p. 2825, § 2, amended by Stats.1970, c. 366, p. 782, § 1.

Former § 505, added by Stats.1939, c. 93, p. 1069, § 505, amended by Stats.1945, c. 316, p. 773, § 1.

Pol.C. § 373c, added by Stats.1927, c. 128, p. 238, § 1.

Cross References

Divisions of department of conservation, see § 607.
Forests, forestry and range and forage lands, see § 4001 et seq.
Governor,
 Executive powers, see Const. Art. 5, § 1.
 Filling vacancies, see Const. Art. 5, § 5.
 Powers and duties, see Government Code § 12010 et seq.

Library References

Woods and Forests ↔7.
C.J.S. Woods and Forests § 13.

Notes of Decisions

1. In general

The department of forestry may provide or contract for rescue, first aid, emergency medical services and mobile paramedic ser-

vices to the public in “state responsibility areas”, local fire jurisdictions, and local agencies of government in certain instances. 64 Ops.Atty.Gen. 588, 7-15-81.

§ 731. Qualifications of members

All members of the board shall be appointed and shall be selected and approved for appointment on the basis of their educational and professional qualifications and their general knowledge of, interest in, and experience with, problems relating to watershed management (including hydrology and soil science), forest management practices, fish and wildlife, range management, forest economics, or land use planning. Five members shall be selected from the general public, three members shall be selected from the forest products industry, and one member shall be selected from the range livestock industry. At no time shall a majority of the members, nor any of the members selected from the general public, be persons with a direct personal financial interest, within. the

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meaning of Section 1120 of the Government Code', in timberlands. All members of the board shall represent the general public interest.

(Added by Stats.1976, c. 1300, p. 5815, § 11.)

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¹ Repealed.

Historical Note

Derivation: Former § 631, added by Stats.1973, c. 880, p. 1611, § 2.

Former § 631, added by Stats.1965, c. 1144, p. 2825, § 2, amended by Stats.1970, c. 366, p. 782, § 2.

Former § 505, added by Stata.1939, c. 93, p. 1069, § 505, amended by Stats.1945, c. 316, p. 773, § 1.

Pol.C. § 373c, added by Stats.1927, c. 128, p. 238, § 1.

Library References

Woods and Forests ↵7.
C.J.S. Woods and Forests § 13.

§ 731.1. Members from forest products and livestock industries; conflict of interest

The Legislature declares that some individuals appointed as members of the State Board of Forestry must be chosen from backgrounds in the forest products and range livestock industries in order to represent and further the interests of those industries and that such representation and furtherance serves the general public interest, as specified in Section 731. Accordingly, the Legislature finds that, for purposes of persons who hold such office, the forest products and the range livestock industries are tantamount to and constitute the public generally within the meaning of Section 87103 of the Government Code in those decisions affecting the forest products or range livestock industries, unless the results of their actions taken as board members have a material financial effect on them distinguishable from their effect on other members of their respective industries generally.

(Added by Stats.1979, c. 126, p. 313, § 1, eff. June 20, 1979.)

Library References

Woods and Forests ↵7.
C.J.S. Woods and Forests § 13.

§ 732. Tenure of members

Each member of the board shall hold office for four years from the expiration of the term of his predecessor and until his successor is appointed. Vacancies shall be immediately filled by the Governor.

(Added by Stats.1976, c. 1300, p. 5815, § 11.)

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Historical Note

Derivation: Former § 632, added by Stats.1973, c. 880, p. 1612, § 2. Pol.C. § 373c, added by Stats.1927, c. 128, p. 238, § 1.
Former § 632, added by Stats.1965, c. 1144, p. 2825, § 2.
Former § 505, added by Stats.1939, c. 93, p. 1069, § 505, amended by Stats.1945, c. 316, p. 773, § 1.

Library References

Woods and Forests ↵7.
C.J.S. Woods and Forests § 13.

§ 733. Staggered terms

The members first appointed to the board shall classify themselves by lot so that the term of three members shall expire January 15, 1975, the term of two members shall expire January 15, 1976, the term of two members shall expire January 15, 1977, and the term of two members shall expire January 15, 1978, except that no member shall serve for a term in excess of four years without being reappointed and confirmed by the Senate as provided in this article.

(Added by Stats.1976, c. 1300, p. 5815, § 11.)

Historical Note

Derivation: Former § 633, added by Stats.1973, c. 880, p. 1612, § 2. Pol.C. § 373c, added by Stats.1927, c. 128, p. 238, § 1.
Former § 633, added by Stats.1965, c. 1144, p. 2825, § 2.
Former § 505, added by Stats.1939, c. 93, p. 1069, § 505, amended by Stats.1945, c. 316, p. 773, § 1.

Library References

Woods and Forests ↵7.
C.J.S. Woods and Forests § 13.

§ 734. Confirmation of appointments

The appointments of members of the board shall be subject to confirmation by the Senate, and the refusal or failure of the Senate to confirm an appointment shall create a vacancy in the office to which the appointment was made; however, each member shall have, and be able to exercise, all the powers, duties, and responsibilities as are prescribed by this code prior to his confirmation. Such confirmation shall be made not earlier than 30 days and not later than 90 days after such appointment.

(Added by Stats.1976, c. 1300, p. 5815, § 11.)

Historical and Statutory Notes

1990 Legislation

Amendment of this section by Initiative Measure (Prop. 130) was rejected at the Nov. 6, 1990, general election.

§ 731.1. Members from forest products and livestock industries; conflict of interest

The Legislature declares that some individuals appointed as members of the State Board of Forestry * * * and Fire Protection are required to be chosen from backgrounds in the forest products and range livestock industries in order to represent and further the interests of those industries and that this representation and furtherance serves the general public interest, as specified in Section 731. Accordingly, the Legislature finds that, for purposes of persons who hold that office, the forest products and the range livestock industries are tantamount to and constitute the public generally within the meaning of Section 87103 of the Government Code in those decisions affecting the forest products or range livestock industries, unless the results of their actions taken as board members have a material financial effect on them distinguishable from their effect on other members of their respective industries generally. (Amended by Stats.1998, c. 972 (S.B.989), § 15.)

Historical and Statutory Notes

1990 Legislation

Amendment of this section by Initiative Measure (Prop. 130) was rejected at the Nov. 6, 1990, general election.

§ 731.2. Rejected

Historical and Statutory Notes

1990 Legislation

Addition of this section by Initiative Measure (Prop. 130) was rejected at the Nov. 6, 1990, general election.

§ 732. Tenure of members

Each member of the board shall hold office for four years from the expiration of the term of his or her predecessor * * *. Vacancies shall be immediately filled by the Governor.

(Amended by Stats.1988, c. 257, § 5.)

Historical and Statutory Notes

1990 Legislation

Amendment of this section by Initiative Measure (Prop. 130) was rejected at the Nov. 6, 1990, *general* election.

§ 733. Staggered terms

Historical and Statutory Notes

1990 Legislation

Amendment of this section by Initiative Measure (Prop. 130) was rejected at the Nov. 6, 1990, general election.

§ 734. Repealed by Stats.1988, c. 257, § 6

§ 735. Compensation of members; expenses

Each member of the board shall receive compensation for each day during which the member engaged in the performance of * * * official duties * * *, except that the total number of days for which a member, other than the chairperson, may be compensated shall not exceed 80 days in any one fiscal year * * *. The chairperson of the board may receive compensation for not more than 100 days in any one fiscal year * * *. In addition to the compensation, each member shall be reimbursed for * * * necessary traveling and other expenses incurred in the performance of * * * official duties.

(Amended by Stats.1987, c. 796, § 2, eff. Sept. 18, 1987.)

Additions or changes indicated by underline; deletions by asterisks * * *