

Assembly Bill No. 435

CHAPTER 112

An act to amend Sections 70, 714, 1050, 1051, 1055, 1055.5, 1056, 1057, 1058, 1059, 1060, 3055, 3682, 3684, 3700, 3701, 4336, 4654, 4657, 4753, 6596, 7149, 7149.1, 7149.4, 7180, 7181, 7182, 7183, 7184, 7186, 7700, and 13005 of, to add Sections 16, 1055.1, 1055.6, 1061, 3055.1, 3682.1, 3682.2, 3700.1, 3700.2, 6596.1, 7149.15, 7149.45, 7180.1, 7181.1, 7182.1, 7183.1, 7184.1, 7186.1, and 7360.1 to, to add, repeal, and add Section 7149.05 of, to repeal Sections 3034, 3701.5, and 7146 of, and to repeal and add Sections 1053, 7149.8, and 7360 of, the Fish and Game Code, and to amend Item 3790-001-0392 of Section 2.00 of the Budget Act of 2001, relating to resources, and making an appropriation therefor.

[Approved by Governor July 28, 2001. Filed with
Secretary of State July 30, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 435, Committee on Budget. Resources: fish and game licenses and other entitlements: implementation of the Budget Act of 2001.

(1) Under existing law, licenses, license tags, license stamps, permits, certificates, and other entitlements are issued by the Department of Fish and Game for specified fees that authorize various activities relating to taking and possession of birds, mammals, and fish for purposes other than commercial purposes. Fees collected for those entitlements are deposited in the Fish and Game Preservation Fund, a fund continuously appropriated to the department and the Fish and Game Commission to carry out the Fish and Game Code.

This bill would change the requirements for issuing, possessing, replacing, and renewing certain entitlements and for transacting business as a license agent for the purpose of issuing those entitlements.

Because the bill would impose new duties on the department and the commission, the bill would make an appropriation, and, to the extent that this bill would result in additional money being deposited in the fund, the bill would also make an appropriation.

(2) Existing law makes a violation of a provision of the Fish and Game Code a crime.

To the extent that the new procedures in the bill would redefine crimes related to issuing, possessing, replacing, or renewing the entitlements or the requirements for transacting business as a license agent, the bill would impose a state-mandated local program.



(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Appropriation: yes.

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

SECTION 1. Section 16 is added to the Fish and Game Code, to read:

16. "Affix" means physically attached to or imprinting an electronic validation to a license document.

SEC. 2. Section 70 of the Fish and Game Code is amended to read:

70. "Resident" means any person who has resided continuously in the State of California for six months or more immediately prior to the date of his application for a license or permit, any person on active military duty with the Armed Forces of the United States or auxiliary branch thereof, or any person enrolled in the Job Corps established pursuant to Section 2883 of Title 29 of the United States Code.

SEC. 3. Section 714 of the Fish and Game Code is amended to read:

714. (a) In addition to Section 3031, 3031.2, 7149, or 7149.2 and notwithstanding Section 3037, the department shall issue lifetime sportsman's licenses pursuant to this section. A lifetime sportsman's license authorizes the taking of birds, mammals, fish, reptiles, or amphibia anywhere in this state in accordance with law for purposes other than profit for the life of the person to whom issued unless revoked for a violation of this code or regulations adopted pursuant to this code. A lifetime sportsman's license is not transferable. A lifetime sportsman's license does not include any special tags, stamps, or other entitlements.

(b) A lifetime sportsman's license may be issued to residents of this state, as follows:

(1) To a person 62 years of age or over upon payment of a fee of six hundred dollars (\$600) in 1998.

(2) To a person 40 years of age or over and less than 62 years of age upon payment of a fee of eight hundred ninety dollars (\$890) in 1998.

(3) To a person 10 years of age or over and less than 40 years of age upon payment of a fee of nine hundred ninety dollars (\$990) in 1998.

(4) To a person less than 10 years of age upon payment of a fee of six hundred dollars (\$600) in 1998.

(5) The department shall establish the fee for each license authorized under this section in 1999 and subsequent years. The license fee shall not



be less than the fee authorized in 1998, and the fee shall not exceed the cost of a license if the license fee was adjusted pursuant to Section 713 with the base year of 1998.

(c) Nothing in this section requires a person under the age of 16 to obtain a license to take fish, reptiles, or amphibia for purposes other than profit or to obtain a license to take birds or mammals except as required by law.

(d) Nothing in this section exempts an applicant for a license from meeting other qualifications or requirements otherwise established by law for the privilege of sporthunting or sport fishing.

(e) Upon payment of a fee of three hundred ten dollars (\$310), a person holding a lifetime hunting license or lifetime sportsman's license shall be issued annually one deer tag pursuant to subdivision (a) of Section 4332 and five wild pig tags issued pursuant to Section 4654.

(f) Upon payment of a fee of two hundred dollars (\$200), a person holding a lifetime hunting license or lifetime sportsman's license shall be entitled annually to the privileges afforded to a person holding a state duck stamp or validation issued pursuant to Section 3700 or 3700.1 and an upland game bird stamp or validation issued pursuant to Section 3682 or 3682.1.

SEC. 4. Section 1050 of the Fish and Game Code is amended to read:

1050. (a) All licenses, permits, tags reservations, and other entitlements authorized by this code shall be prepared and issued by the department.

(b) The commission shall determine the form of all licenses, permits, tags, reservations, and other entitlements and the method of carrying and displaying all licenses, and may require and prescribe the form of applications therefor and the form of any contrivance to be used in connection therewith.

(c) Whenever any provision of this code provides for a permit, license, tag, reservation, application, or other entitlement, the commission shall, in accordance with the provision, prescribe the terms and conditions under which the permit, license, tag, reservation, application, or other entitlement shall be issued and the department shall issue the permit, license, tag, reservation, application, or other entitlement in accordance therewith and with the applicable provisions of law.

(d) Whenever this code does not specify whether a fee is to be collected, or does not specify the amount of a fee to be collected for the issuance of any license, tag, permit, application, reservation, or other entitlement, the commission may establish a fee or the amount thereof by regulation. The commission may also provide for the change in the



amount of the fee in accordance with Section 713. However, no fee may exceed the reasonable costs incurred by the department in implementing and administering the program or activity to which the license, tag, permit, application, reservation, or other entitlement is related.

(e) Whenever this code provides for a license, tag, permit, reservation, or other entitlement, the commission may establish a nonrefundable application fee, not to exceed seven dollars and fifty cents (\$7.50) sufficient to pay the department's costs for issuing the license, tag, permit, reservation, or other entitlement and may adjust the application fee in accordance with Section 713.

SEC. 5. Section 1051 of the Fish and Game Code is amended to read:

1051. Licenses of each class shall be uniquely numbered. Every license shall contain its expiration date and the fee for which it is issued. If no fee is either required by this code or established by the commission pursuant to Section 1050, the license shall so indicate.

SEC. 6. Section 1053 of the Fish and Game Code is repealed.

SEC. 7. Section 1053 is added to the Fish and Game Code, to read:

1053. No person shall obtain more than one license, permit, reservation, or other entitlement of the same class, or more than the number of tags authorized by statute or regulation for the same license year, except under one of the following conditions:

(a) Licenses issued pursuant to paragraphs (3) and (4) of subdivision (a) of Section 7149 and subdivision (b) of Section 7149 and paragraphs (4) and (5) of subdivision (a) of Section 3031.

(b) The loss or destruction of an unexpired license, tag, permit, reservation, or other entitlement as certified by the applicant's signed affidavit and proof, as determined by the department, that the original license, tag, permit, reservation, or other entitlement was issued, and payment of a base fee of five dollars (\$5), adjusted pursuant to Section 713, not to exceed the fee for the original entitlement.

SEC. 8. Section 1055 of the Fish and Game Code is amended to read:

1055. (a) The department may authorize any person, except a commissioner, officer, or employee of the department, to be a license agent to issue licenses, permits, reservations, tags, and other entitlements. The department may consign licenses, permits, reservations, tags, and other entitlements to license agents without receiving payment therefor, upon application of the license agent and upon the giving of a bond or assigning a certificate of deposit, payable to the department, as provided in this article. It may not consign any licenses, permits, reservations, tags, or other entitlements to any license agent who fails to submit the report required by subdivision (a) of



Section 1055.5 within one month and 20 days following the last day of that calendar month or who otherwise fails to fully comply with Section 1055.5.

(b) A license agent authorized pursuant to subdivision (a) shall add a handling charge to the fees prescribed in this code or in regulations adopted pursuant to this code for licenses, permits, reservations, tags, and other entitlements issued by the license agent in an amount that is 5 percent of the face value of the item rounded to the nearest five cents (\$0.05).

(c) The handling charge added pursuant to subdivision (b) shall be incorporated into the total amount collected for issuing any license, permit, reservation, tag, and other entitlement, but the handling charge may not be included when determining license fees in accordance with Section 713. License agents may issue any license, permit, reservation, tag, and other entitlement for any amount up to 10 percent less than the fee prescribed in this code or in regulations adopted pursuant to this code. The license agent shall remit to the department the full amount of the fees as prescribed in this code or in regulations adopted pursuant to this code for all licenses, permits, reservations, tags, and other entitlements issued.

(d) The handling charge required by subdivision (b) is the license agent's only compensation for services. The license agent shall not make any other additional fee or charge for issuing licenses, permits, reservations, tags, and other entitlements authorized pursuant to this section.

(e) The department may designate a nonprofit organization, organized pursuant to the laws of this state, or the California chapter of a nonprofit organization, organized pursuant to the laws of another state, as a license agent for the sale of lifetime licenses issued pursuant to Sections 714, 3031.2, and 7149.2. These licenses may be sold by auction or by other methods and are not subject to the fee limitations prescribed in this code. An agent authorized to issue lifetime sport fishing licenses, lifetime hunting licenses, and lifetime sportsman's licenses under this subdivision is exempt from subdivisions (b) and (d). The license agent shall remit to the department all revenue derived from the sale of the lifetime licenses.

(f) In order to facilitate the prompt remittance of fees and more accurate accounting of licenses, permits, reservations, tags, and other entitlements provided for issuance to license agents, the department may provide them in books containing licenses, permits, reservations, tags, or other entitlements that do not exceed the total fees for 20 resident sport fishing licenses. This subdivision does not apply to nonresident licenses and nonresident tags.



(g) At any single business location, a license agent shall issue all items from a single book before commencing to issue licenses, permits, reservations, tags, or other entitlements of the same series from another book.

(h) The department, alternatively, may provide for the issuance of licenses, permits, reservations, tags, or other entitlements to authorized license agents and shall collect at the time the documents are provided an amount equal to the fees for all licenses, permits, reservations, tags, and other entitlements provided. Any license agent who pays the fees for licenses, permits, reservations, tags, or other entitlements provided is exempt from subdivisions (a) and (e) of Section 1055.5 and Sections 1056 and 1059. Any licenses, permits, reservations, tags, or other entitlements provided pursuant to this subdivision that remain unissued at the end of the license year may be returned to the department, within 60 days of their expiration date, for refund or credit, or a combination thereof.

(i) License agents shall return all unissued and expired licenses, permits, reservations, tags, and other entitlements to the department within one month and 20 days following the last day of the license year. Any license agent who does not comply with this section shall not be provided additional licenses, permits, reservations, tags, and other entitlements until the unissued and expired licenses, permits, reservations, tags, and other entitlements have been returned to the department. In addition, any unissued and expired license, permit, reservation, tag, or other entitlement that is not returned within 60 days following the last day of the license year shall be billed to the license agent. Licenses, permits, reservations, tags, and other entitlements may be returned for credit after the 60 days; however, the license agent shall pay interest and penalties on the returned licenses, permits, reservations, tags, and other entitlements as prescribed in subdivision (b) of Section 1059. No credit may be allowed after six months following the last day of the license year.

(j) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 9. Section 1055.1 is added to the Fish and Game Code, to read:

1055.1. (a) The department may authorize any person, except a commissioner, officer, or employee of the department, to be a license agent to issue any license, permit, reservation, tag, or other entitlement upon the department's approval of an application.

(b) A license agent authorized pursuant to subdivision (a) shall add a handling charge to the fees prescribed in this code or in regulations adopted pursuant to this code for any license, permit, reservation, tag,



and other entitlement issued by the license agent in an amount that is 5 percent of the face value of the item rounded to the nearest five cents (\$0.05).

(c) The handling charge added pursuant to subdivision (b) shall be incorporated into the total amount collected for issuing the license, permit, reservation, tag, and other entitlement, but the handling charge shall not be included when determining license fees in accordance with Section 713. A license agent may issue any license, permit, reservation, tag, or other entitlement for any amount up to 10 percent less than the fee prescribed in this code or in regulations adopted pursuant to this code. The license agent shall remit to the department the full amount of the fees as prescribed in this code or in regulations adopted pursuant to this code for all licenses, permits, reservations, tags, and other entitlements issued.

(d) The handling charge required by subdivision (b) is the license agent's only compensation for services. The license agent shall not make any other additional fee or charge for issuing any license, permit, reservation, tag, or other entitlement authorized pursuant to this section.

(e) The department may designate a nonprofit organization, organized pursuant to the laws of this state, or the California chapter of a nonprofit organization, organized pursuant to the laws of another state, as a license agent for the sale of lifetime licenses issued pursuant to Sections 714, 3031.2, and 7149.2. These licenses may be sold by auction or by other methods and are not subject to the fee limitations prescribed in this code. An agent authorized to issue lifetime sport fishing licenses, lifetime hunting licenses, and lifetime sportsman's licenses under this subdivision is exempt from subdivisions (b) and (d). The license agent shall remit to the department all revenue derived from the sale of the lifetime licenses.

(f) The department, alternatively, may provide for the issuance of licenses, permits, reservations, tags, or other entitlements to authorized license agents and shall collect at the time the documents are provided an amount equal to the fees for all licenses, permits, reservations, tags, or other entitlements provided. Any license agent who pays the fees for licenses, permits, reservations, tags, or other entitlements provided is exempt from subdivisions (a) and (d) of Section 1055.6 and Sections 1056 and 1059. Any licenses, permits, reservations, tags, and other entitlements provided pursuant to this subdivision that remain unissued at the end of the license year may be returned to the department, within 60 days of their expiration date, for refund or credit, or a combination thereof.



(g) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 10. Section 1055.5 of the Fish and Game Code is amended to read:

1055.5. (a) Except as provided in subdivision (c) or (d), each license agent authorized pursuant to Section 1055 shall remit to the department the fees prescribed in this code or in regulations adopted pursuant to this code for all licenses, permits, reservations, tags, and other entitlements issued in each calendar month not later than 20 days following the last day of that calendar month. The transmittal of the fees to the department shall be accompanied with an accounting report on forms provided by the department of all licenses, permits, reservations, tags, and other entitlements received, issued, remaining on hand, reported lost under subdivision (b), and returned to the department during the preceding month.

(b) A license agent shall report any losses of licenses, permits, reservations, tags, or other entitlements, or any part or all of the fees received for them, to the department on or before the end of the next business day of the department.

(c) A license agent is not required to remit the fees for a book of licenses, permits, reservations, tags, or other entitlements in any month if, on the last day of the preceding month, all items in that single book provided for issuance at a single business location are not issued. If, however, all items in that book are issued, the license agent shall remit the fees for that book and transmit the accounting report in accordance with the requirements of this section.

(d) The license agent may retain not more than fifteen cents (\$0.15) of the fee received for each Colorado River special use stamp issued pursuant to Section 7180 as compensation for services. The license agent shall remit to the department the fees prescribed by Section 7180, less any amounts retained under this subdivision, for all Colorado River special use stamps issued. The license agent shall remit the net fees with an accounting report as prescribed in subdivision (a).

(e) Except as provided in subdivision (c), any fee remittance and accounting report not transmitted to the department within 30 days following the last day of each calendar month is delinquent, and fees due are subject to interest and penalties prescribed in subdivision (b) of Section 1059. Interest and penalties shall be computed beginning 21 days following the last day of the calendar month in which the fees were collected.



(f) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 11. Section 1055.6 is added to the Fish and Game Code, to read:

1055.6. (a) Except as provided in subdivision (b), each license agent authorized pursuant to Section 1055.1 shall remit to the department the fees prescribed in this code or in regulations adopted pursuant to this code for all licenses, permits, reservations, tags, and other entitlements by electronic means, such as electronic fund transfer. In order to facilitate the prompt remittance of revenues, the department is authorized to withdraw funds from the separate bank account of the license agent required by Section 1057, including adjustments, by electronic transfer. License agents shall ensure that the total fees required for all licenses, permits, reservations, tags, or other entitlements necessary to perform the electronic transfer are available on the date specified by the license agent contract.

(b) A license agent shall report to the department on or before the end of the next business day of the department any losses of fees received from the issuing of licenses, permits, reservations, tags, or other entitlements.

(c) The license agent may retain not more than fifteen cents (\$0.15) of the fee received for each Colorado River special use validation issued pursuant to Section 7180.1 as compensation for services. The license agent shall remit to the department the fees prescribed by Section 7180.1, less any amounts retained under this subdivision, for all Colorado River special use validations issued. The license agent shall remit the net fees as prescribed in subdivision (a).

(d) Except as provided in subdivision (b), any fees not transmitted or made available to the department within seven days following the due date as specified by the department are delinquent, and delinquent fees are subject to interest and penalties prescribed in subdivision (b) of Section 1059. Interest and penalties shall be computed beginning one day following the due date as specified by the department.

(e) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 12. Section 1056 of the Fish and Game Code is amended to read:

1056. (a) Every person authorized to issue licenses, permits, reservations, tags, and other entitlements pursuant to Section 1055 or 1055.1 may be required to execute, in favor of the department, a bond or certificate of deposit, payable to the department, in a sum determined



by the department. The bond or certificate of deposit shall secure the accurate accounting and payment to the department of the funds collected and the performance of the duties imposed upon the license agent by this article.

(b) Any license agent who fails to transmit the fees or accounting reports required by Section 1055.5 or 1055.6 not later than 60 days following the due date as specified by the department may be bonded pursuant to subdivision (a) in order to continue as a license agent.

SEC. 13. Section 1057 of the Fish and Game Code is amended to read:

1057. All fees collected from issuing any license, permit, reservation, tag, and other entitlement shall be kept in a separate bank account, at all times belong to the state, and not be commingled with other funds of the license agent.

SEC. 14. Section 1058 of the Fish and Game Code is amended to read:

1058. In case of an assignment for the benefit of creditors, receivership, or bankruptcy, the state shall have a preferred claim against the license agent, receiver, or trustee for all moneys owing the state for the issuing of licenses, permits, reservations, tags, and other entitlements as provided in this code and shall not be estopped from asserting that claim by reason of the commingling of funds or otherwise.

SEC. 15. Section 1059 of the Fish and Game Code is amended to read:

1059. (a) The failure or refusal of any license agent to account for licenses, permits, reservations, tags, and other entitlements, or any fees received from their issuance as required by Section 1055.5 or 1055.6 or upon demand by an authorized representative of the department is a misdemeanor.

(b) In addition to subdivision (a), any license agent who fails to remit fees to the department on or before the date required by Section 1055.5 or 1055.6 shall pay interest and penalties prescribed for sales and use taxes and, except as otherwise provided in this code, the department shall collect amounts owing under the procedures prescribed for sales and use taxes provided in Chapter 5 (commencing with Section 6451) and Chapter 6 (commencing with Section 6701) of Part 1 of Division 2 of the Revenue and Taxation Code, insofar as they may be applicable, and for those purposes, “board” means the department.

SEC. 16. Section 1060 of the Fish and Game Code is amended to read:

1060. (a) The department or its authorized employees may accept from any bonded license agent an affidavit for settlement on its account in lieu of licenses, permits, reservations, tags, and other entitlements that



have been lost or destroyed. The affidavits shall show the value and classification of the licenses, permits, reservations, tags, and other entitlements, their serial numbers, and the causes of loss or destruction.

(b) This section does not apply to licenses, permits, reservations, tags, or other entitlements that are issued through the Automated License Data System.

SEC. 17. Section 1061 is added to the Fish and Game Code, to read:

1061. (a) A person may purchase a license voucher as a gift for a licensee when the licensee's complete and accurate personal information, as defined in regulation, is not provided by the license buyer at the time of purchase.

(b) A license purchase voucher may be purchased for the following items only:

(1) Annual licenses issued pursuant to paragraphs (1), (2), and (3) of subdivision (a) of Section 3031 and paragraphs (1) and (2) of subdivision (a) and subdivision (b) of Section 7149.

(2) Authorizations issued pursuant to Sections 3682, 3682.1, 3700, 3700.1, 4332, 4654, 4751, 6596, 6596.1, 7149.4, 7149.45, 7149.8, 7360, 7360.1, and 7380.

(c) A license purchase voucher entitles the holder of the voucher to redeem it for the specific annual license, privilege, and license year for which it was purchased.

(d) A license purchase voucher shall expire and be considered void if not redeemed within the license year for which it was purchased.

(e) A license purchase voucher may be issued and redeemed by any person authorized by the department to issue licenses.

(f) The license agent handling fee, as provided under subdivision (b) of Section 1055 and subdivision (b) of Section 1055.1, shall only apply to the sale of the license purchase voucher.

(g) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 18. Section 3034 of the Fish and Game Code is repealed.

SEC. 19. Section 3055 of the Fish and Game Code is amended to read:

3055. (a) Any person who applies for a hunting license and qualifies for the license through the issuance of a certificate of completion of a course in hunter safety, principles of conservation, and sportsmanship as provided by this article, shall obtain a hunter safety instruction validation stamp. The hunter safety instruction validation stamp shall be issued by license agents for a base fee of two dollars (\$2), as adjusted under Section 713, in the same manner as resident hunting licenses. The validation stamp shall be affixed to the certificate of



completion. A certificate of competence issued by this state prior to January 1, 1990, shall be accepted as equivalent to a certificate of completion issued by this state after January 1, 1990.

(b) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 20. Section 3055.1 is added to the Fish and Game Code, to read:

3055.1. (a) Any person who applies for a hunting license and qualifies for the license through the issuance of a certificate of completion of a course in hunter safety, principles of conservation, and sportsmanship as provided by this article, shall obtain a hunter safety instruction validation. The hunter safety instruction validation shall be issued by license agents for a base fee of two dollars (\$2), as adjusted under Section 713, in the same manner as resident hunting licenses. The validation shall be affixed to the certificate of completion. A certificate of competence issued by this state prior to January 1, 1990, shall be accepted as equivalent to a certificate of completion issued by this state after January 1, 1990.

(b) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 21. Section 3682 of the Fish and Game Code is amended to read:

3682. (a) It is unlawful for any person, except a person licensed pursuant to paragraph (2) of subdivision (a) of Section 3031, to take any upland game bird species without first procuring an upland game bird stamp, and having the stamp permanently affixed to his or her valid hunting license.

(b) Upland game bird stamps may be obtained from the department, or a licensed agent authorized pursuant to Section 1055, for a fee of six dollars and twenty-five cents (\$6.25), adjusted pursuant to Section 713.

(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 22. Section 3682.1 is added to the Fish and Game Code, to read:

3682.1. (a) It is unlawful for any person, except a person licensed pursuant to paragraph (2) of subdivision (a) of Section 3031, to take any upland game bird species without first procuring an upland game bird hunting validation, as provided in subdivision (b), and having the validation affixed to his or her valid hunting license.



(b) Upland game bird hunting validations may be obtained from the department or a licensed agent authorized pursuant to Section 1055.1 for a fee of six dollars and twenty-five cents (\$6.25), adjusted pursuant to Section 713.

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 23. Section 3682.2 is added to the Fish and Game Code, to read:

3682.2. (a) Upon full implementation of the Automated License Data System, the department shall continue to prepare, or have prepared, upland game bird stamps depicting upland game birds.

(b) Any person who obtains an upland game bird hunting validation pursuant to Section 3682.1 is entitled, upon request, to receive an upland game bird stamp at no additional charge.

(c) Any person may purchase an upland game bird stamp for a fee of six dollars and twenty-five cents (\$6.25), as adjusted pursuant to Section 713.

(d) Possession of an upland game bird stamp obtained pursuant to this section does not entitle the holder to take any upland game bird species.

SEC. 24. Section 3684 of the Fish and Game Code is amended to read:

3684. All funds derived from the sale of upland game bird hunting validations and upland game bird stamps shall be deposited in the Fish and Game Preservation Fund and shall be expended solely for the purposes specified in Section 3685. The department shall maintain the internal accountability necessary to ensure that all restrictions and requirements pertaining to the expenditure of revenues received pursuant to this section are met.

SEC. 25. Section 3700 of the Fish and Game Code is amended to read:

3700. (a) It is unlawful for any person, except a person licensed pursuant to paragraph (2) of subdivision (a) of Section 3031, to take any migratory game bird, except jacksnipe, coots, gallinules, western mourning doves, white-winged doves, and band-tailed pigeons, without first procuring either an open edition or a Governor's edition state duck stamp, as provided in subdivisions (b) and (c), and having the state duck stamp in his or her possession while taking those birds.

(b) State duck stamps, open edition, shall be sold for a fee of ten dollars (\$10) by the department and by license agents, who are authorized by the department pursuant to Section 1055, in the same manner as hunting licenses.



(c) State duck stamps, Governor's edition, may be printed and sold on a bid basis, beginning at a minimum bid, as determined by the department or its representative.

(d) The commission shall determine the form of the state duck stamp.

(e) The department may prepare and sell artwork, posters, and other promotional materials related to the sale of duck stamps or waterfowl hunting and conservation.

(f) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 26. Section 3700.1 is added to the Fish and Game Code, to read:

3700.1. (a) It is unlawful for any person, except a person licensed pursuant to paragraph (2) of subdivision (a) of Section 3031, to take any migratory game bird, except jacksnipe, coots, gallinules, western mourning doves, white-winged doves, and band-tailed pigeons, without first procuring a state duck hunting validation as provided in subdivision (b), and having that validation in his or her possession while taking those birds.

(b) State duck hunting validations shall be sold for a fee of ten dollars (\$10) by the department and by license agents, who are authorized by the department pursuant to Section 1055.1, in the same manner as hunting licenses.

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 27. Section 3700.2 is added to the Fish and Game Code, to read:

3700.2. (a) Upon full implementation of the Automated License Data System, the department shall continue to prepare, or have prepared, state duck stamps depicting migratory waterfowl.

(b) Any person who obtains a duck hunting validation pursuant to Section 3700.1 is entitled, upon request, to receive a state duck stamp, open edition, at no additional charge.

(c) Any person may purchase a state duck stamp, open edition, for a fee of ten dollars (\$10).

(d) State duck stamps, Governor's edition, may be printed and sold on a bid basis, beginning at a minimum bid, as determined by the department or its representative.

(e) The commission shall determine the form of the state duck stamp.

(f) Possession of a state duck stamp obtained pursuant to this section does not entitle the holder to take any migratory bird, as defined in Section 3700.1.



(g) The department may prepare and sell artwork, posters, and other promotional materials related to the sale of duck stamps or waterfowl hunting and conservation.

SEC. 28. Section 3701 of the Fish and Game Code is amended to read:

3701. All funds derived from the sale of state duck hunting validations and state duck stamps, and related items authorized by subdivision (e) of Section 3700 or subdivision (g) of Section 3700.2, shall be deposited in the State Duck Stamp Account in the Fish and Game Preservation Fund to permit separate accountability for the receipt and expenditure of these funds. An amount not to exceed 6 percent of the amount annually deposited in the account may be used for administrative overhead related to the use of those funds and for implementation of the federal Migratory Bird Harvest Program.

SEC. 29. Section 3701.5 of the Fish and Game Code is repealed.

SEC. 30. Section 4336 of the Fish and Game Code is amended to read:

4336. The holder of a deer tag shall carry the tag while hunting deer, and upon the killing of any deer, shall immediately fill out the tag and permanently mark the date of the kill. The deer tag shall be immediately attached to the antlers of antlered deer or to the ear of any other deer and kept attached during the open season and for 15 days thereafter. The holder of the deer tag shall immediately, upon harvesting a deer, notify the department in a manner specified by the commission.

Except as otherwise provided by this code or regulation adopted pursuant to this code, possession of any untagged deer is a violation of this section.

SEC. 31. Section 4654 of the Fish and Game Code is amended to read:

4654. (a) Any resident of this state, 12 years of age or older, who possesses a valid hunting license, may procure the number of wild pig tags corresponding to the number of wild pigs that may legally be taken by one person during the license year upon payment of a base fee of one dollar and fifty cents (\$1.50), as adjusted under Section 713 for each wild pig tag.

(b) Any nonresident, 12 years of age or older, who possesses a valid California nonresident hunting license, may procure the number of wild pig tags corresponding to the number of wild pigs that may legally be taken by one person during the license year upon payment of a base fee of ten dollars (\$10), as adjusted under Section 713, for each wild pig tag.

SEC. 32. Section 4657 of the Fish and Game Code is amended to read:



4657. The holder of a wild pig tag shall keep the tag in his or her possession while hunting wild pig. Prior to the taking of any wild pig, the holder of a wild pig tag shall write or otherwise affix his or her hunting license number to the wild pig tag. Upon the killing of any wild pig, the date of the kill shall be clearly marked by the holder of the tag on the tag. Prior to transporting the pig, a tag shall be attached to the carcass by the holder of the tag. The holder of the wild pig tag shall immediately, upon harvesting a pig, notify the department in a manner specified by the commission.

SEC. 33. Section 4753 of the Fish and Game Code is amended to read:

4753. The holder of a bear tag shall carry the tag while hunting bear, and upon the killing of any bear shall immediately fill out the tag and punch out clearly the date of the kill. One part of the tag shall be immediately attached to the ear of the bear and kept attached during the open season and for 15 days thereafter. The holder of the bear tag shall immediately, upon harvesting a bear, notify the department in a manner specified by the commission. Possession of any untagged bear is a violation of this section.

SEC. 34. Section 6596 of the Fish and Game Code is amended to read:

6596. (a) In addition to a valid California fishing license issued pursuant to Section 7149 and any other applicable license stamp issued pursuant to this code, a person taking fish from ocean waters south of a line extending due west from Point Arguello for purposes other than for profit shall have permanently affixed to his or her fishing license, except a sport fishing license issued pursuant to paragraph (4) of subdivision (a) of Section 7149, an ocean fishing enhancement stamp. A license stamp issued under this subdivision shall be issued for the following fees:

(1) A stamp for a sport fishing or sport ocean fishing license, two dollars and fifty cents (\$2.50). Sportfishing licenses issued pursuant to paragraph (4) of subdivision (a) of Section 7149 are not subject to this requirement.

(2) A stamp for each single day sport ocean fin fishing license issued pursuant to subdivision (c) of Section 7149, fifty cents (\$0.50). Sportfishing licenses issued pursuant to paragraph (4) of subdivision (a) of Section 7149 are not subject to this requirement.

(b) In addition to a valid California commercial passenger fishing boat license issued pursuant to Section 7920, the owner of any boat or vessel who, for profit, permits any person to fish therefrom, south of a line extending due west from Point Arguello, shall have a valid commercial ocean fishing enhancement stamp issued for that vessel that has not been suspended or revoked.



(c) Any person who takes, possesses aboard a boat, or lands any white sea bass for commercial purposes, south of a line extending due west from Point Arguello, shall have a valid commercial ocean fishing enhancement stamp issued to that person that has not been suspended or revoked.

(d) The fee for a commercial ocean fishing enhancement stamp is twenty-five dollars (\$25).

(e) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 35. Section 6596.1 is added to the Fish and Game Code, to read:

6596.1. (a) In addition to a valid California fishing license issued pursuant to Section 7149.05 and any other applicable license validation issued pursuant to this code, a person taking fish from ocean waters south of a line extending due west from Point Arguello for purposes other than for profit shall have permanently affixed to his or her fishing license, except a sportfishing license issued pursuant to paragraph (4) of subdivision (a) of Section 7149.05, an ocean fishing enhancement validation. A license validation issued under this subdivision shall be issued for the following fees:

(1) A validation for a sport fishing or sport ocean fishing license, two dollars and fifty cents (\$2.50). Sportfishing licenses issued pursuant to paragraph (4) of subdivision (a) of Section 7149.05 are not subject to this requirement.

(2) A validation for each single day sport ocean fin fishing license issued pursuant to subdivision (c) of Section 7149.05, fifty cents (\$0.50). sportfishing licenses issued pursuant to paragraph (4) of subdivision (a) of Section 7149.05 are not subject to this requirement.

(b) In addition to a valid California commercial passenger fishing boat license issued pursuant to Section 7920, the owner of any boat or vessel who, for profit, permits any person to fish therefrom, south of a line extending due west from Point Arguello, shall have a valid commercial ocean fishing enhancement validation issued for that vessel that has not been suspended or revoked.

(c) Any person who takes, possesses aboard a boat, or lands any white sea bass for commercial purposes south of a line extending due west from Point Arguello, shall have a valid commercial ocean fishing enhancement validation issued to that person that has not been suspended or revoked.

(d) The fee for a commercial ocean fishing enhancement validation is twenty-five dollars (\$25).



(e) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 36. Section 7146 of the Fish and Game Code is repealed.

SEC. 37. Section 7149 of the Fish and Game Code, as amended by Section 5 of Chapter 247 of the Statutes of 1998, is amended to read:

7149. (a) A sportfishing license granting the privilege to take any fish, reptile, or amphibia anywhere in this state for purposes other than profit shall be issued to any of the following:

(1) A resident of this state, over the age of 16 years, upon payment during the 1987 calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a fee of eighteen dollars (\$18), or upon the payment during a calendar year beginning on or after January 1, 1988, of the base fee of sixteen dollars and seventy-five cents (\$16.75), as adjusted under Section 713.

(2) A nonresident, over the age of 16 years, for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of forty-five dollars (\$45), as adjusted under Section 713.

(3) A nonresident, over the age of 16 years for the period of 10 consecutive days beginning on the date specified on the license upon payment of the fee set forth in paragraph (1), as adjusted under Section 713.

(4) A resident or nonresident, over the age of 16 years, for two consecutive designated calendar days, upon payment of the base fee of seven dollars (\$7) as adjusted under Section 713. Notwithstanding Section 1053, more than one two-day license issued for different two-day periods may be issued to, or possessed by, a person at one time.

(b) A sport ocean fishing license granting the licensee to take any fish from ocean waters of this state for purposes other than profit shall be issued to a resident of this state, over the age of 16 years, for the period of a calendar year, or if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of ten dollars (\$10), as adjusted under Section 713.

(c) A sport ocean finfishing license granting the privilege to take only finfish from the ocean waters of this state for purposes other than profit shall be issued to a person over the age of 16 years for one designated day, upon the payment for a designated day in the license year beginning on January 1 of the base fee of four dollars (\$4), as adjusted under Section 713.

(d) For the purposes of this section, the adjustment under Section 713 shall be calculated and added to the base fees to establish the fees paid



for licenses issued in the license years beginning on and after January 1, 1988, in accordance with Section 713.

(e) California sportfishing license stamps shall be issued by authorized license agents in the same manner as sportfishing licenses, and no compensation may be paid to the authorized license agent for issuing the stamps except as provided in Section 1055.

(f) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

(g) This section shall remain in effect until January 1, 2002, and as of that date is repealed unless a later enacted statute, which is enacted on or before January 1, 2002, deletes or extends that date.

SEC. 38. Section 7149 of the Fish and Game Code, as added by Section 6 of Chapter 247 of the Statutes of 1998, is amended to read:

7149. (a) A sportfishing license granting the privilege to take any fish, reptile, or amphibia anywhere in this state for purposes other than profit shall be issued to any of the following:

(1) A resident of this state, over the age of 16 years, upon payment during the 1987 calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a fee of eighteen dollars (\$18), or upon the payment during a calendar year beginning on or after January 1, 1988, of the base fee of sixteen dollars and seventy-five cents (\$16.75), as adjusted under Section 713.

(2) A nonresident, over the age of 16 years, for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of forty-five dollars (\$45), as adjusted under Section 713.

(3) A nonresident, over the age of 16 years for the period of 10 consecutive days beginning on the date specified on the license upon payment of the fee set forth in paragraph (1), as adjusted under Section 713.

(4) A resident or nonresident, over the age of 16 years, for one designated day, upon payment of the base fee of seven dollars (\$7) as adjusted under Section 713. Notwithstanding Section 1053, more than one single day license issued for different days may be issued to, or possessed by, a person at one time.

(b) A sport ocean fishing license granting the licensee to take any fish from ocean waters of this state for purposes other than profit shall be issued to a resident of this state, over the age of 16 years, for the period of a calendar year, or if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of ten dollars (\$10), as adjusted under Section 713.



(c) A sport ocean finfishing license granting the privilege to take only finfish from the ocean waters of this state for purposes other than profit shall be issued to a person over the age of 16 years for one designated day, upon the payment for a designated day in the license year beginning on January 1 of the base fee of four dollars (\$4), as adjusted under Section 713.

(d) For the purposes of this section, the adjustment under Section 713 shall be calculated and added to the base fees to establish the fees paid for licenses issued in the license years beginning on and after January 1, 1988, in accordance with Section 713.

(e) California sportfishing license stamps shall be issued by authorized license agents in the same manner as sportfishing licenses, and no compensation may be paid to the authorized license agent for issuing the stamps except as provided in Section 1055.

(f) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

(g) This section shall become operative on January 1, 2002.

SEC. 39. Section 7149.05 is added to the Fish and Game Code, to read:

7149.05. (a) A sportfishing license granting the privilege to take any fish, reptile, or amphibia anywhere in this state for purposes other than profit shall be issued to any of the following:

(1) A resident of this state, over the age of 16 years, upon payment during the 1987 calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a fee of eighteen dollars (\$18), or upon the payment during a calendar year beginning on or after January 1, 1988, of the base fee of sixteen dollars and seventy-five cents (\$16.75), as adjusted under Section 713.

(2) A nonresident, over the age of 16 years, for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of forty-five dollars (\$45), as adjusted under Section 713.

(3) A nonresident, over the age of 16 years for the period of 10 consecutive days beginning on the date specified on the license upon payment of the fee set forth in paragraph (1), as adjusted under Section 713.

(4) A resident or nonresident, over the age of 16 years, for two consecutive designated calendar days, upon payment of the base fee of seven dollars (\$7) as adjusted under Section 713. Notwithstanding Section 1053, more than one two-day license issued for different two-day periods may be issued to, or possessed by, a person at one time.



(b) A sport ocean fishing license granting the privilege to take any fish from ocean waters of this state for purposes other than profit shall be issued to a resident of this state, over the age of 16 years, for the period of one calendar year, or if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of ten dollars (\$10), as adjusted under Section 713.

(c) A sport ocean finfishing license granting the privilege to take only finfish from the ocean waters of this state for purposes other than profit shall be issued to a person over the age of 16 years for one designated day, upon the payment for a designated day in the license year beginning on January 1 of the base fee of four dollars (\$4), as adjusted under Section 713.

(d) For the purposes of this section, the adjustment under Section 713 shall be calculated and added to the base fees to establish the fees paid for licenses issued in the license years beginning on and after January 1, 1988, in accordance with Section 713.

(e) California sportfishing license validations shall be issued by authorized license agents in the same manner as sportfishing licenses, and no compensation may be paid to the authorized license agent for issuing the validations except as provided in Section 1055.

(f) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

(g) This section shall remain in effect until January 1, 2002, and as of that date is repealed unless a later enacted statute, which is enacted on or before January 1, 2002, deletes or extends that date.

SEC. 40. Section 7149.05 is added to the Fish and Game Code, to read:

7149.05. (a) A sportfishing license granting the privilege to take any fish, reptile, or amphibia anywhere in this state for purposes other than profit shall be issued to any of the following:

(1) A resident of this state, over the age of 16 years, upon payment during the 1987 calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a fee of eighteen dollars (\$18), or upon the payment during a calendar year beginning on or after January 1, 1988, of the base fee of sixteen dollars and seventy-five cents (\$16.75), as adjusted under Section 713.

(2) A nonresident, over the age of 16 years, for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of forty-five dollars (\$45), as adjusted under Section 713.

(3) A nonresident, over the age of 16 years for the period of 10 consecutive days beginning on the date specified on the license upon



payment of the fee set forth in paragraph (1), as adjusted under Section 713.

(4) A resident or nonresident, over the age of 16 years, for one designated day, upon payment of the base fee of seven dollars (\$7) as adjusted under Section 713. Notwithstanding Section 1053, more than one single day license issued for different days may be issued to, or possessed by, a person at one time.

(b) A sport ocean fishing license granting the privilege to take any fish from ocean waters of this state for purposes other than profit shall be issued to a resident of this state, over the age of 16 years, for the period of one calendar year, or if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of ten dollars (\$10), as adjusted under Section 713.

(c) A sport ocean fin fishing license granting the privilege to take only finfish from the ocean waters of this state for purposes other than profit shall be issued to a person over the age of 16 years for one designated day, upon the payment for a designated day in the license year beginning on January 1 of the base fee of four dollars (\$4), as adjusted under Section 713.

(d) For the purposes of this section, the adjustment under Section 713 shall be calculated and added to the base fees to establish the fees paid for licenses issued in the license years beginning on and after January 1, 1988, in accordance with Section 713.

(e) California sportfishing license validations shall be issued by authorized license agents in the same manner as sportfishing licenses, and no compensation shall be paid to the authorized license agent for issuing the validations except as provided in Section 1055.1.

(f) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

(g) This section shall become operative on January 1, 2002.

SEC. 41. Section 7149.1 of the Fish and Game Code is amended to read:

7149.1. (a) A person holding a valid resident sport ocean fishing license issued under subdivision (b) of Section 7149 may upgrade this license to an annual resident sportfishing license, as described in paragraph (1) of subdivision (a) of Section 7149, by obtaining a resident sportfishing license upgrade stamp.

(b) The department or an authorized license agent shall issue a resident sportfishing license upgrade stamp upon payment of the fee for that stamp. The upgrade stamp fee shall be equal to the difference in the fee determined pursuant to paragraph (1) of subdivision (a) of Section 7149 and the fee determined under subdivision (b) of Section 7149.



(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 42. Section 7149.15 is added to the Fish and Game Code, to read:

7149.15. (a) A person holding a valid resident sport ocean fishing license issued under subdivision (b) of Section 7149.05 may upgrade this license to an annual resident sportfishing license, as described in paragraph (1) of subdivision (a) of Section 7149.05, by obtaining a resident sportfishing license upgrade validation.

(b) The department or an authorized license agent shall issue a resident sportfishing license upgrade validation upon payment of the fee for that validation. The upgrade validation fee shall be equal to the difference in the fee determined pursuant to paragraph (1) of subdivision (a) of Section 7149.05 and the fee determined under subdivision (b) of Section 7149.05.

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 43. Section 7149.4 of the Fish and Game Code is amended to read:

7149.4. (a) It is unlawful for any person to fish with two rods without first obtaining a second-rod sportfishing stamp, in addition to a valid California sportfishing license and any applicable stamp issued pursuant to Section 7149.05, and having that stamp affixed to his or her valid sportfishing license. A person who has a valid second-rod sportfishing license stamp attached to his or her valid sportfishing license may fish in inland lakes and reservoirs with two rods in any sport fishery in which the regulations of the commission provide for the taking of fish by angling.

(b) The department or an authorized license agent shall issue a second-rod sportfishing stamp upon payment of a base fee of seven dollars and fifty cents (\$7.50) during the 1995 calendar year and subsequent years, as adjusted under Section 713.

(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 44. Section 7149.45 is added to the Fish and Game Code, to read:

7149.45. (a) It is unlawful for any person to fish with two rods without first obtaining a second-rod sportfishing validation, in addition to a valid California sportfishing license and any applicable validation issued pursuant to Section 7149.05, and having that validation affixed



to his or her valid sportfishing license. A person who has a valid second-rod sport fishing validation affixed to his or her valid sportfishing license may fish in inland lakes and reservoirs with two rods in any sport fishery in which the regulations of the commission provide for the taking of fish by angling.

(b) The department or an authorized license agent shall issue a second-rod sportfishing validation upon payment of a base fee of seven dollars and fifty cents (\$7.50) during the 1995 calendar year and subsequent years, as adjusted under Section 713.

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 45. Section 7149.8 of the Fish and Game Code is repealed.

SEC. 46. Section 7149.8 is added to the Fish and Game Code, to read:

7149.8. (a) It is unlawful for any person to take abalone from ocean waters without first obtaining, in addition to a valid California sportfishing license and any applicable license validation issued pursuant to Section 7149 or 7149.05, and Sections 7150 and 7151, an abalone report card and having that report card in his or her possession while taking abalone.

The department or an authorized license agent shall issue an abalone report card upon payment of a fee of twelve dollars (\$12).

SEC. 47. Section 7180 of the Fish and Game Code is amended to read:

7180. (a) Any person taking fish or amphibia for purposes other than profit from or on a boat or other floating device on the waters of the Colorado River and on adjacent waters, except canals, drains, or ditches used to transport water used for irrigation or domestic purposes, shall have in his or her possession a valid sportfishing license issued by either the State of Arizona or State of California.

(b) In addition to either of the licenses, a person taking fish or amphibia as indicated shall have in his or her possession a Colorado River special use stamp. If he or she is a person having in his or her possession a valid California sportfishing license he or she shall have an Arizona special use stamp to fish legally the waters described above. If he or she is a person having in his or her possession a valid Arizona sportfishing license, he or she shall have a California special use stamp to fish legally the waters described above.

(c) A special use stamp, when accompanied by the proper license, permits fishing in any portion of those waters, and permit fishermen to enter the waters from any point.

The fee for a Colorado River special use stamp is three dollars (\$3).



(d) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 48. Section 7180.1 is added to the Fish and Game Code, to read:

7180.1. (a) Any person taking fish or amphibia for purposes other than profit from or on a boat or other floating device on the waters of the Colorado River and on adjacent waters, except canals, drains, or ditches used to transport water used for irrigation or domestic purposes, shall have in his or her possession a valid sportfishing license issued by either the State of Arizona or State of California.

(b) In addition to either of the licenses, a person taking fish or amphibia as indicated shall have in his or her possession a Colorado River special use validation. If he or she is a person having in his or her possession a valid California sportfishing license, he or she shall have an Arizona special use validation to fish legally the waters described above. If he or she is a person having in his or her possession a valid Arizona sportfishing license, he or she shall have a California special use validation to fish legally the waters described above.

(c) A special use validation, when accompanied by the proper license, permits fishing in any portion of those waters, and permit fishermen to enter the waters from any point. The fee for a Colorado River special use validation is three dollars (\$3).

(d) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 49. Section 7181 of the Fish and Game Code is amended to read:

7181. (a) A person fishing from the shore in the waters of the Colorado River located in Arizona or California shall have in his or her possession a valid sportfishing license issued by the state that has jurisdiction over that shore. That shoreline fishing does not require a Colorado River special use stamp as long as the fisherman remains on the shore and does not embark on the water. Any person, however, having in his or her possession a valid Arizona sportfishing license and a California special use stamp may fish from the shore in the waters of the Colorado River, or adjacent waters, except canals, drains, and ditches used to transport water used for irrigation or domestic purposes, located in California, without a sportfishing license issued by the State of California.

(b) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.



SEC. 50. Section 7181.1 is added to the Fish and Game Code, to read:

7181.1. (a) A person fishing from the shore in the waters of the Colorado River located in Arizona or California shall have in his or her possession a valid sportfishing license issued by the state that has jurisdiction over that shore. That shoreline fishing does not require a Colorado River special use validation as long as the fisherman remains on the shore and does not embark on the water. Any person, however, having in his or her possession a valid Arizona sportfishing license and a California special use validation may fish from the shore in the waters of the Colorado River, or adjacent waters, except canals, drains, and ditches used to transport water used for irrigation or domestic purposes, located in California without a sport fishing license issued by the State of California.

(b) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 51. Section 7182 of the Fish and Game Code is amended to read:

7182. (a) Arizona Colorado River special use stamps shall be issued by California authorized license agents under the supervision of the department in the same manner as sportfishing licenses are issued, and California sportfishing licenses and California Colorado River special use stamps shall be issued by Arizona license dealers under the supervision of the Arizona Game and Fish Commission.

(b) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 52. Section 7182.1 is added to the Fish and Game Code, to read:

7182.1. (a) Arizona Colorado River special use validations shall be issued by California authorized license agents under the supervision of the department in the same manner as sportfishing licenses are issued, and California sportfishing licenses and California Colorado River special use validations shall be issued by Arizona license dealers under the supervision of the Arizona Game and Fish Commission.

(b) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 53. Section 7183 of the Fish and Game Code is amended to read:

7183. (a) The Arizona Game and Fish Commission shall handle California sportfishing licenses and California special use stamps and



issue them to Arizona license dealers. Prior to August 31 of each year, that commission shall make an audit report and send a remittance for those sales to the California Department of Fish and Game.

(b) The California Department of Fish and Game shall handle Arizona special use stamps and issue them to California license dealers. Prior to August 31 of each year, that department shall make an audit report and send a remittance for those sales to the Arizona Game and Fish Commission.

(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 54. Section 7183.1 is added to the Fish and Game Code, to read:

7183.1. (a) The Arizona Game and Fish Commission shall handle California sportfishing licenses and California special use validations and issue them through Arizona license dealers. Prior to August 31 of each year, that commission shall make an audit report and send a remittance for those issued to the California Department of Fish and Game.

(b) The California Department of Fish and Game shall handle Arizona special use validations and issue them through California license dealers. Prior to August 31 of each year that department shall make an audit report and send a remittance for those issued to the Arizona Game and Fish Commission.

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 55. Section 7184 of the Fish and Game Code is amended to read:

7184. (a) An Arizona special use stamp is valid from January 1 to December 31, inclusive, of each year, to coincide with the period for which a California sportfishing license is issued.

(b) A California special use stamp is valid for one year to coincide with the period for which an Arizona fishing license is issued.

(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 56. Section 7184.1 is added to the Fish and Game Code, to read:

7184.1. (a) An Arizona special use validation is valid from January 1 to December 31, inclusive, of each year, to coincide with the period for which a California sportfishing license is issued.



(b) A California special use validation is valid for one year to coincide with the period for which an Arizona fishing license is issued.

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 57. Section 7186 of the Fish and Game Code is amended to read:

7186. (a) When the director determines from the Secretary of State that copies of the law of the State of Arizona have been received by the Secretary of State which provides for an Arizona resident sportfishing license valid for a period of less than one year, a California special use stamp valid for the same period as the Arizona resident sportfishing license may be issued for a fee of one dollar (\$1).

(b) If Arizona issues a resident sportfishing license for a term less than one year for the purpose of changing to a calendar year license from a fiscal year license, that license shall be deemed to be a license upon substantially the same terms and conditions as are provided for the issuance of California licenses to licensees of the State of Arizona for the purposes of Section 7185.

(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 58. Section 7186.1 is added to the Fish and Game Code, to read:

7186.1. (a) When the director determines from the Secretary of State that copies of the law of the State of Arizona have been received by the Secretary of State that provides for an Arizona resident sportfishing license valid for a period of less than one year, a California special use validation valid for the same period as the Arizona resident sportfishing license may be issued for a fee of one dollar (\$1).

(b) If Arizona issues a resident sportfishing license for a term less than one year for the purpose of changing to a calendar year license from a fiscal year license, that license shall be deemed to be a license upon substantially the same terms and conditions as are provided for the issuance of California licenses to licensees of the State of Arizona for the purposes of Section 7185.

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 59. Section 7360 of the Fish and Game Code is repealed.

SEC. 60. Section 7360 is added to the Fish and Game Code, to read:

7360. (a) It is unlawful for any person to take striped bass in any sport fishery without first obtaining, in addition to a valid California



sportfishing license and any applicable stamp issued pursuant to Section 7149, a striped bass stamp and having that stamp affixed to his or her valid sportfishing license.

(b) The department or an authorized license agent shall issue a striped bass stamp upon payment of a fee of three dollars and fifty cents (\$3.50).

(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

SEC. 61. Section 7360.1 is added to the Fish and Game Code, to read:

7360.1. (a) It is unlawful for any person to take striped bass in any sport fishery without first obtaining, in addition to a valid California sportfishing license and any applicable validation issued pursuant to Section 7149.05, a striped bass validation and having that validation affixed to his or her valid sportfishing license.

(b) The department or an authorized license agent shall issue a striped bass validation upon payment of a fee of three dollars and fifty cents (\$3.50).

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 62. Section 7700 of the Fish and Game Code is amended to read:

7700. As used in this chapter:

(a) “Reduction plant” means any plant used in the reduction or conversion of fish into fish flour, fishmeal, fish scrap, fertilizer, fish oil, or other fishery products or byproducts.

(b) “Packer” means any person canning fish or preserving fish by the common methods of drying, salting, pickling, smoking, cold packing, or vacuum packing.

(c) “Fish offal” means the heads, viscera, and other parts of fish taken off in preparing for canning, preserving, packing, and preparing for consumption in a fresh state.

(d) “Stamp,” except where otherwise specified, includes an electronic validation of privileges issued to the licensee.

SEC. 63. Section 13005 of the Fish and Game Code is amended to read:

13005. (a) Notwithstanding Section 13001, the money collected from fees for lifetime sportsman’s licenses under Section 714, lifetime hunting licenses under Section 3031.2, and lifetime sportfishing licenses under Section 7149.2 shall be deposited as follows:



(1) Twenty dollars (\$20) for each lifetime license issued shall be deposited in the Fish and Game Preservation Fund for use in accordance with Section 711.

(2) The balance of the fees shall be deposited in the Lifetime License Trust Account which is hereby created in the Fish and Game Preservation Fund. Except as provided in this section, that principal amount of the money in the account from the fee for a lifetime license shall not be used, except for investment.

(b) The money in the Lifetime License Trust Account may be transferred and invested through the Surplus Money Investment Fund and all interest shall accrue to the account pursuant to subdivision (g) of Section 16475 of the Government Code.

(c) (1) Each year the department shall transfer from the Lifetime License Trust Account to the Fish and Game Preservation Fund an amount equal to the current amount of the annual resident hunting and the sportfishing license fee times the number of lifetime sportsman's licenses in force and effect on July 1 of that year.

(2) Each year the department shall transfer from the Lifetime License Trust Account to the Fish and Game Preservation Fund an amount equal to the current amount of the annual resident sportfishing license fee times the number of lifetime sportfishing licenses in force and effect on July 1 of that year.

(3) Each year the department shall transfer from the Lifetime License Trust Account to the Fish and Game Preservation Fund an amount equal to the current annual resident hunting license fee times the number of lifetime hunting licenses in force and effect that are held by hunters 16 years of age or older on July 1 of that year. In addition, each year the department shall transfer from the Lifetime License Trust Account to the Fish and Game Preservation Fund an amount equal to the current junior hunting license fee times the number of lifetime hunting licenses in full force and effect that are held by hunters who are under 16 years of age on July 1 of that year.

(4) Upon receipt of the fee prescribed by subdivision (f) of Section 7149.2, the department shall transfer into the appropriate account within the Fish and Game Preservation Fund an amount equal to one second-rod stamp or validation issued pursuant to Section 7149.4 or Section 7149.45, one ocean fishing enhancement stamp or validation issued pursuant to paragraph (1) of subdivision (a) of Section 6596 or paragraph (1) of subdivision (a) of Section 6596.1, one striped bass stamp or validation issued pursuant to Section 7360 or Section 7360.1, one steelhead trout catch report-restoration card issued pursuant to Section 7380, and one salmon punch card issued pursuant to regulations adopted by the commission. Each year the department shall transfer from the



Lifetime License Trust Account to the appropriate account within the Fish and Game Preservation Fund an amount equal to the number of persons holding the additional privileges prescribed in subdivision (f) of Section 7149.2 in force and effect on January 1 of that year times the current fee for the ocean fishing enhancement stamp, steelhead trout catch report-restoration card, striped bass stamp, and salmon punch card. In addition, each year the department shall transfer from the Lifetime License Trust Account to the Fish and Game Preservation Fund an amount equal to 20 percent of the number of persons holding the additional fishing privileges prescribed in subdivision (f) of Section 7149.2 multiplied by the current fee for the second-rod fishing stamp.

(5) Upon receipt of the fee prescribed by subdivision (e) of Section 714, the department shall transfer into the appropriate account within the Fish and Game Preservation Fund an amount equal to one deer tag issued pursuant to subdivision (a) of Section 4332 and five wild pig tags issued pursuant to Section 4654. Each year the department shall transfer from the Lifetime License Trust Account to the appropriate account within the Fish and Game Preservation Fund an amount equal to the number of persons holding the additional privileges prescribed in subdivision (e) of Section 714 in force and effect on July 1 of that year times the current fee for a deer tag issued pursuant to subdivision (a) of Section 4332 and five wild pig tags issued pursuant to Section 4654.

(6) Upon receipt of the fee prescribed by subdivision (f) of Section 714, the department shall transfer into the appropriate account within the Fish and Game Preservation Fund an amount equal to one state duck stamp or hunting validation issued pursuant to Section 3700 or 3700.1 and one upland game bird stamp or hunting validation issued pursuant to Section 3682 or 3682.1. Each year the department shall transfer from the Lifetime License Trust Account to the appropriate account within the Fish and Game Preservation Fund an amount equal to the number of persons holding the additional privileges prescribed in subdivision (f) of Section 714 in force and effect on July 1 of that year times the current fee for state duck hunting validations issued pursuant to subdivision (a) of Section 3700 and upland game bird hunting validations issued pursuant to Section 3682.

SEC. 64. Item 3790-001-0392 of Section 2.00 of the Budget Act of 2001, as proposed to be added by Senate Bill No. 739, as amended July 14, 2001, is amended to read:

Item	Amount
3790-001-0392—For support of Department of Parks and Recreation, payable from the State Parks and Recreation Fund	57,005,000



Schedule:

(1) For support of the Department of Parks and Recreation	272,852,000
(2) Reimbursements	-11,958,000
(3) Less funding provided by capital outlay	-1,744,000
(4) Amount payable from the General Fund (Item 3790-001-0001) . . .	-130,272,000
(5) Amount payable from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund (Item 3790-001-0005)	-23,729,000
(6) Amount payable from the Califor- nia Environmental License Plate Fund (Item 3790-001-0140) . . .	-113,000
(7) Amount payable from the Public Resources Account, Cigarette and Tobacco Products Surtax Fund (Item 3790-001-0235)	-13,028,000
(8) Amount payable from the Off- Highway Vehicle Trust Fund (Item 3790-001-0263)	-21,484,000
(9) Amount payable from the Winter Recreation Fund (Item 3790-001-0449)	-284,000
(10) Amount payable from the Harbors and Watercraft Revolving Fund (Item 3790-001-0516)	-620,000
(11) Amount payable from the State Parks System Deferred Mainte- nance Account (Item 3790-001-0646)	-10,000,000
(12) Amount payable from the Federal Trust Fund (Item 3790-001-0890)	-2,915,000
(13) 97.20.004-Local Projects	300,000

Provisions:

1. Of the funds appropriated by this act from the General Fund and special funds, other than the Off-Highway Vehicle Trust Fund and bond funds, to the Department of Parks and Recreation for local



assistance grants to local agencies, the department may allocate an amount not to exceed 1.5 percent of each project's allocation to provide for the department's costs to administer these grants.

2. It is the intent of the Legislature that salaries, wages, operating expenses, and positions associated with implementing specific Department of Parks and Recreation capital outlay projects continue to be funded through capital outlay appropriations, and that these funds and related position authority should also be reflected in the department's state operations budget in the Governor's Budget and Budget Bill with an offsetting payable from the capital outlay appropriations.
3. To protect the public interest in, receiving lease payments on the concessions at Old Town State Historic Park involving provision of food, beverages, and lodging (the "Concessions") without interruption due to the economic effects of a labor dispute, the Department of Parks and Recreation ("Agency") shall require that, in order to be considered a qualified bidder for the Concessions, each prospective concessionaire shall sign a valid labor peace agreement with any labor organization which has informed the Agency that it seeks to represent the Concession Employees, which does the following: (a) prohibits the labor organization and its members from engaging in any picketing, work stoppages, boycotts, or any other economic interference with the Concessions for as long as the state has a financial interest in the Concessions; (b) provides that for as long as the state has a financial interest in the Concessions, all disputes between the concessionaire and the labor organization relating to employment conditions or the negotiation thereof shall be submitted to final and binding arbitration; and (c) provides that any operations at the Concessions involving the use of Concession Employees, which are conducted by contractors, subcontractors, tenants, or subtenants of the concessionaire, shall be done under valid agreements containing the same provisions as specified above. "Concession Employees" as used herein means all nonmanagerial employees engaged in work related to food, beverage, or lodging in all or any part of the Concessions.



4. Each provision of this item shall be operative to the extent the provision does not violate Section 9 of Article IV of the California Constitution.

SEC. 65. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

