

Assembly Bill No. 821

Passed the Assembly September 5, 2007

Chief Clerk of the Assembly

Passed the Senate September 4, 2007

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 3004.5 to the Fish and Game Code, relating to conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 821, Nava. Ridley-Tree Condor Preservation Act.

(1) Existing law regulates the taking of birds and mammals, and prohibits the taking of specified nongame birds. Existing law permits the Department of Fish and Game to preserve the California condor, and requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species. Existing law generally provides that a violation of the fish and game laws is a crime.

This bill would enact the Ridley-Tree Condor Preservation Act to require the use of nonlead centerfire rifle and pistol ammunition when taking big game and coyote within specified areas. The act would require the commission to establish, by regulation, by July 1, 2008, a public process to certify centerfire rifle and pistol ammunition as nonlead ammunition, and to define nonlead ammunition by regulation. The act would also require the commission, to the extent funding is available, to provide hunters within these areas with nonlead ammunition at no or reduced charge through a coupon program. Under the act, a person who violates those requirements would be guilty of an infraction punishable by a \$500 fine for the first offense. Because the act would create a new crime, this bill would create a state-mandated local program.

The act would also declare the Legislature's intent to protect vulnerable wildlife species, including the California condor, from the ongoing threat of lead poisoning.

(2) 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.

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

SECTION 1. This act shall be known, and may be cited, as the Ridley-Tree Condor Preservation Act.

SEC. 2. It is the intent of the Legislature to protect vulnerable wildlife species, including the California condor, a federally listed endangered species and a state listed endangered and fully protected species, from the ongoing threat of lead poisoning.

SEC. 3. Section 3004.5 is added to the Fish and Game Code, to read:

3004.5. (a) Nonlead centerfire rifle and pistol ammunition, as determined by the commission, shall be required when taking big game with rifle or pistol, as defined by Section 350 of the department's mammal hunting regulations, and when taking coyote, within the department's deer hunting zone A South, but excluding Santa Cruz, Alameda, Contra Costa, San Mateo, and San Joaquin Counties, areas west of Highway 101 within Santa Clara County, and areas between Highway 5 and Highway 99 within Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern Counties, and within deer hunting zones D7, D8, D9, D10, D11, and D13.

(b) By July 1, 2008, the commission shall establish, by regulation, a public process to certify centerfire rifle and pistol ammunition as nonlead ammunition, and shall define, by regulation, nonlead ammunition as including only centerfire rifle and pistol ammunition in which there is no lead content. The commission shall establish and annually update a list of certified centerfire rifle and pistol ammunition.

(c) (1) To the extent that funding is available, the commission shall establish a process that will provide hunters within the department's deer hunting zone A South, but excluding Santa Cruz, Alameda, Contra Costa, San Mateo, and San Joaquin Counties, areas west of Highway 101 within Santa Clara County, and areas between Highway 5 and Highway 99 within Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern Counties, and within deer hunting zones D7, D8, D9, D10, D11, and D13 with nonlead ammunition at no or reduced charge. The process shall provide that the offer for nonlead ammunition at no or reduced charge may be redeemed through a coupon sent to a permit holder with the appropriate permit tag. If available funding is not sufficient to provide nonlead ammunition at no charge, the commission shall

set the value of the reduced charge coupon at the maximum value possible through available funding, up to the average cost within this state for nonlead ammunition, as determined by the commission.

(2) The nonlead ammunition coupon program described in paragraph (1) shall be implemented only to the extent that sufficient funding, as determined by the Department of Finance, is obtained from local, federal, public, or other nonstate sources in order to implement the program.

(3) If the nonlead ammunition coupon program is implemented, the commission shall issue a report on the usage and redemption rates of ammunition coupons. The report shall cover calendar years 2008, 2009, and 2012. Each report shall be issued by June of the following year.

(d) The commission shall issue a report on the levels of lead found in California condors. This report shall cover calendar years 2008, 2009, and 2012. Each report shall be issued by June of the following year.

(e) The department shall notify those hunters who may be affected by this section.

(f) A person who violates any provision of this section is guilty of an infraction punishable by a fine of five hundred dollars (\$500). A second or subsequent offense shall be punishable by a fine of not less than one thousand dollars (\$1,000) or more than five thousand dollars (\$5,000).

SEC. 4. 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.

Approved _____, 2007

Governor