

AMENDED IN ASSEMBLY JANUARY 4, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1254**

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**Introduced by Assembly Member Tom Berryhill**

February 27, 2009

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~~An act to amend Section 3051 of the Fish and Game Code, relating to hunting.~~ *An act to amend Sections 206, 1354, 1528, 2003, and 2016 of, and to repeal Section 2017 of, the Fish and Game Code, relating to fish and wildlife.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1254, as amended, Tom Berryhill. ~~Hunter education courses: minimum hours.~~ *Fish and Game Commission: hunting and fishing.*

*The California Constitution creates the Fish and Game Commission. Existing law establishes the commission in the Natural Resources Agency to perform specified functions. Existing law requires the commission to hold no fewer than 10 regular meetings per year, with no more than 2 regular meetings to be held in Sacramento per year.*

*This bill would require the commission to hold no fewer than 8 meetings per year, if the commission has adequate funding for related travel, including funding for department travel. It would also require no more than 3, rather than 2, regular meetings to be held in Sacramento per year.*

*The Wildlife Conservation Law of 1947 requires the Wildlife Conservation Board to review and approve the acquisition of property and property rights for the Department of Fish and Game. The law specifically authorizes the board to authorize the acquisition of lands or rights in land as may be necessary for the purpose of furnishing*

*public access to lands or waters open to the public for fishing, hunting, and shooting, and to authorize that acquisition by the department.*

*This bill would also authorize the board to authorize the acquisition of lands or rights in land as it may be necessary for the purpose of providing fishing and hunting opportunities for the public.*

*Existing law states that multiple recreational use of wildlife management areas is desirable and requires the commission to encourage that use.*

*This bill would specify that the traditional use of hunting and fishing is particularly desirable.*

*Existing law, with specific exceptions, makes it unlawful to offer any prize or other inducement as a reward for the taking of any game birds, mammals, fish, reptiles, or amphibians in an individual contest, tournament, or derby. Under one exception, the department may issue a permit to any person authorizing that person to offer a prize or other inducement as a reward for the taking of any game fish.*

*This bill would authorize the department to issue a permit to any person or nonprofit organization authorizing the permittee to offer a prize or other inducement as a reward for the taking of any game species. The bill would prohibit basing the prize or inducement on the total number of birds or mammals taken.*

*Existing law makes it unlawful to enter specified lands owned or occupied by another for the purpose of taking or destroying any bird or mammal, where signs forbidding trespass are displayed at specified intervals, without written consent. Those specified lands include lands temporarily inundated by waters flowing outside the established banks of a waterway.*

*This bill would modify that inundated lands provision to include only lands temporarily inundated by nonnavigable waters flowing outside the established banks of a waterway. Existing law makes it unlawful to take any mammal or bird or to discharge any firearm upon any land where “PRIVATE PROPERTY NO HUNTING” signs are displayed as prescribed. The bill would delete this provision.*

~~Existing law requires the Department of Fish and Game to provide a course of instruction in hunter education, principles of conservation, and sportsmanship. Existing law authorizes the department, for that purpose, to cooperate with any reputable association or organization having as one of its objectives the promotion of hunter safety, principles of conservation, and sportsmanship.~~

~~This bill would require that course to consist of a minimum of 16 hours of instruction.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1     *SECTION 1. Section 206 of the Fish and Game Code is*  
2     *amended to read:*

3     206. (a) The commission shall hold no fewer than ~~ten~~ *eight*  
4     *regular meetings per calendar year, if the commission has adequate*  
5     *funding for related travel, including funding for department travel.*  
6     The commission may also hold special meetings or hearings to  
7     receive additional input from the department and the public.

8     (b) The commission shall announce the dates and locations of  
9     meetings for the year by January 1st of that year, or 60 days prior  
10    to the first meeting, whichever comes first. Meeting locations shall  
11    be accessible to the public and located throughout the state, with  
12    no more than ~~two~~ *three* regular meetings to be held in Sacramento  
13    per year. To the extent feasible, meetings shall be held in state  
14    facilities. In setting the dates and locations for regular meetings,  
15    the commission shall also consider the following factors:

- 16    (1) Recommendations of the department.
- 17    (2) Opening and closing dates of fishing and hunting seasons.
- 18    (3) The schedules of other state and federal regulatory agencies  
19    whose regulations affect the management of fish and wildlife of  
20    this state.

21    (c) The commission shall cause the notice of the schedule for  
22    regular meetings, and notice of any change in the date and location  
23    of a meeting, to be disseminated to the public in a manner that will  
24    result in broad dissemination, including, but not limited to,  
25    electronic distribution, mailings to interested parties, and  
26    publication in local newspapers of affected communities.

27    *SEC. 2. Section 1354 of the Fish and Game Code is amended*  
28    *to read:*

29    1354. The board may authorize the acquisition of ~~such~~ lands,  
30    or rights in land, *including, but not limited to, easements on private*  
31    *land, as ~~may~~ it determines to be necessary for the purpose of*  
32    *providing fishing and hunting opportunities for the public, or for*  
33    the purpose of furnishing public access to lands or waters open to

1 the public for fishing, hunting, and shooting. The board may  
 2 authorize ~~such~~ *that* acquisition by the department.

3 *SEC. 3. Section 1528 of the Fish and Game Code is amended*  
 4 *to read:*

5 1528. ~~Lands~~ *The department shall operate land, or lands and*  
 6 *water, acquired for public shooting grounds, state marine*  
 7 *(estuarine) recreational management areas, or wildlife management*  
 8 *areas shall be operated on a nonprofit basis by the department.*  
 9 *Multiple recreational use of wildlife management areas,*  
 10 *particularly the traditional use of hunting and fishing, is desirable*  
 11 *and the commission shall encourage that use shall be encouraged*  
 12 *by the commission.* Except for hunting and fishing purposes, only  
 13 minimum facilities to permit other forms of multiple recreational  
 14 use, such as camping, picnicking, boating, or swimming, shall be  
 15 provided. Except as provided in Section 1765, and to defray the  
 16 costs associated with multiple use, the commission may determine  
 17 and fix the amount of, and the department shall collect, fees for  
 18 any use privileges. However, tours by organized youth and school  
 19 groups are exempt from the payment of those fees. Only persons  
 20 holding valid hunting licenses may apply for or obtain shooting  
 21 permits for public shooting grounds, state marine (estuarine)  
 22 recreational management areas, or wildlife management areas.

23 *SEC. 4. Section 2003 of the Fish and Game Code is amended*  
 24 *to read:*

25 2003. (a) Except as specified in subdivisions (b), (c), and (d),  
 26 it is unlawful to offer any prize or other inducement as a reward  
 27 for the taking of any game birds, mammals, fish, reptiles, or  
 28 amphibians in an individual contest, tournament, or derby.

29 (b) The department may issue a permit to any person *or*  
 30 *nonprofit organization* authorizing that person *or nonprofit*  
 31 *organization* to offer a prize or other inducement as a reward for  
 32 the taking of any game ~~fish~~ *species*, as defined by the commission  
 33 by regulation, ~~if it~~ *the department* finds that there would be no  
 34 detriment to the resource. *A prize or other inducement as a reward*  
 35 *for the taking of game birds or mammals shall not be based on the*  
 36 *total number of birds or mammals taken.* The permit is subject to  
 37 regulations adopted by the commission. The application for the  
 38 permit shall be accompanied by a fee in the amount determined  
 39 by the department as necessary to cover the reasonable  
 40 administrative costs incurred by the department in issuing the

1 permit. However, the department may waive the permit fee if the  
2 contest, tournament, or derby is for persons under the age of 16  
3 years, or who are physically or mentally challenged, the primary  
4 purpose of the contest, tournament, or derby is to introduce young  
5 anglers *people* to, or educate them about, fishing *or hunting*. All  
6 permits for which the fee is waived pursuant to this subdivision  
7 shall comply with all other requirements set forth in this section.

8 (c) This section does not apply to any person conducting what  
9 are generally known as frog-jumping contests or fish contests  
10 conducted in waters of the Pacific Ocean.

11 (d) This section does not apply to any person conducting an  
12 individual contest, tournament, or derby for the taking of game  
13 birds and mammals, if the total value of all prizes or other  
14 inducements is less than five hundred dollars (\$500) for the  
15 individual contest, tournament, or derby.

16 *SEC. 5. Section 2016 of the Fish and Game Code is amended*  
17 *to read:*

18 2016. It is unlawful to enter any lands under cultivation or  
19 enclosed by a fence, belonging to, or occupied by, another, or to  
20 enter any uncultivated or unenclosed lands, including lands  
21 temporarily inundated by *nonnavigable* waters flowing outside  
22 the established banks of a river, stream, slough, or other waterway,  
23 where signs forbidding trespass are displayed at intervals not less  
24 than three to the mile along all exterior boundaries and at all roads  
25 and trails entering ~~such those~~ lands, for the purpose of discharging  
26 any firearm or taking or destroying any mammal or bird, including  
27 any waterfowl, on ~~such those~~ lands without having first obtained  
28 written permission from the owner of ~~such those~~ lands, or his *or*  
29 *her* agent, or the person in lawful possession thereof. ~~Such of those~~  
30 ~~lands. The signs may be of any size and wording, other than the~~  
31 ~~wording required for signs under Section 2017, which that will~~  
32 fairly advise persons about to enter the land that the use of ~~such~~  
33 ~~the land is so~~ restricted.

34 *SEC. 6. Section 2017 of the Fish and Game Code is repealed.*

35 2017. ~~It is unlawful to take any mammal or bird or to discharge~~  
36 ~~any firearm upon any land (whether fenced, cultivated, or not)~~  
37 ~~where signs, at least 8 ½ inches by 11 inches in size and reading:~~  
38 ~~“PRIVATE PROPERTY NO HUNTING” are displayed at intervals~~  
39 ~~not less than three to the mile along all exterior boundaries and at~~  
40 ~~all roads and trails entering the land.~~

1 This section applies to all persons, including the owner or the  
2 person in lawful possession of the land, and any person obtaining  
3 permission, written or oral, from the owner or the person in lawful  
4 possession of the land, so long as the signs remain posted on the  
5 land.

6 Nothing in this section prohibits the owner or his or her agent  
7 from taking nonprotected mammals or birds on the land.

8 SECTION 1. Section 3051 of the Fish and Game Code is  
9 amended to read:

10 3051. (a) The department shall provide for a course of  
11 instruction in hunter education, principles of conservation, and  
12 sportsmanship, and for this purpose may cooperate with any  
13 reputable association or organization having as one of its objectives  
14 the promotion of hunter safety, principles of conservation, and  
15 sportsmanship. The hunter education course shall consist of a  
16 minimum of 16 hours of instruction.

17 (b) The department may designate as a hunter education  
18 instructor any person found by it to be competent to give instruction  
19 in the courses required in this article. A person so appointed shall  
20 give that course of instruction, and, upon completion thereof, shall  
21 issue to the person instructed a certificate of completion as provided  
22 by the department in hunter safety, principles of conservation, and  
23 sportsmanship.

24 (c) The department shall prescribe a minimum level of skill and  
25 knowledge to be required of all hunter education instructors, and  
26 may limit the number of students per instructor in all required  
27 classes.

28 (d) The department may revoke the certificate of any instructor  
29 when, in the opinion of the department, it is in the best interest of  
30 the state to do so.