

AMENDED IN ASSEMBLY JANUARY 14, 2010

AMENDED IN ASSEMBLY JANUARY 4, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1254

Introduced by Assembly Member Tom Berryhill

February 27, 2009

An act to amend Sections ~~206, 1354, 1528, 2003, and 2016~~ *206 and 1528* 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. 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~~

~~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~~

~~The bill would delete this provision.~~

~~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 eight regular
4 meetings per calendar year, if the commission has adequate funding
5 for related travel, including funding for department travel. The
6 commission may also hold special meetings or hearings to receive
7 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 1 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 three regular meetings to be held in Sacramento per
13 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 lands, or~~
30 ~~rights in land, including, but not limited to, easements on private~~
31 ~~land, as it determines to be necessary for the purpose of providing~~
32 ~~fishing and hunting opportunities for the public, or for the purpose~~
33 ~~of furnishing public access to lands or waters open to the public~~
34 ~~for fishing, hunting, and shooting. The board may authorize that~~
35 ~~acquisition by the department.~~

36 ~~SEC. 3.~~

37 ~~SEC. 2. Section 1528 of the Fish and Game Code is amended~~
38 ~~to read:~~

1 1528. The department shall operate land, or lands and water,
 2 acquired for public shooting grounds, state marine (estuarine)
 3 recreational management areas, or wildlife management areas on
 4 a nonprofit basis. Multiple recreational use of wildlife management
 5 areas, particularly the traditional use of hunting and fishing, is
 6 desirable and the commission shall encourage that use. Except for
 7 hunting and fishing purposes, only minimum facilities to permit
 8 other forms of multiple recreational use, such as camping,
 9 picnicking, boating, or swimming, shall be provided. Except as
 10 provided in Section 1765, and to defray the costs associated with
 11 multiple use, the commission may determine and fix the amount
 12 of, and the department shall collect, fees for any use privileges.
 13 However, tours by organized youth and school groups are exempt
 14 from the payment of those fees. Only persons holding valid hunting
 15 licenses may apply for or obtain shooting permits for public
 16 shooting grounds, state marine (estuarine) recreational management
 17 areas, or wildlife management areas.

18 ~~SEC. 4. Section 2003 of the Fish and Game Code is amended~~
 19 ~~to read:~~

20 2003. (a) ~~Except as specified in subdivisions (b), (c), and (d);~~
 21 ~~it is unlawful to offer any prize or other inducement as a reward~~
 22 ~~for the taking of any game birds, mammals, fish, reptiles, or~~
 23 ~~amphibians in an individual contest, tournament, or derby.~~

24 (b) ~~The department may issue a permit to any person or~~
 25 ~~nonprofit organization authorizing that person or nonprofit~~
 26 ~~organization to offer a prize or other inducement as a reward for~~
 27 ~~the taking of any game species, as defined by the commission by~~
 28 ~~regulation, if the department finds that there would be no detriment~~
 29 ~~to the resource. A prize or other inducement as a reward for the~~
 30 ~~taking of game birds or mammals shall not be based on the total~~
 31 ~~number of birds or mammals taken. The permit is subject to~~
 32 ~~regulations adopted by the commission. The application for the~~
 33 ~~permit shall be accompanied by a fee in the amount determined~~
 34 ~~by the department as necessary to cover the reasonable~~
 35 ~~administrative costs incurred by the department in issuing the~~
 36 ~~permit. However, the department may waive the permit fee if the~~
 37 ~~contest, tournament, or derby is for persons under the age of 16~~
 38 ~~years, or who are physically or mentally challenged, the primary~~
 39 ~~purpose of the contest, tournament, or derby is to introduce young~~
 40 ~~people to, or educate them about, fishing or hunting. All permits~~

1 for which the fee is waived pursuant to this subdivision shall
2 comply with all other requirements set forth in this section.

3 (e) ~~This section does not apply to any person conducting what
4 are generally known as frog-jumping contests or fish contests
5 conducted in waters of the Pacific Ocean.~~

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

11 ~~SEC. 5. Section 2016 of the Fish and Game Code is amended
12 to read:~~

13 ~~2016. It is unlawful to enter any lands under cultivation or
14 enclosed by a fence, belonging to, or occupied by, another, or to
15 enter any uncultivated or unenclosed lands, including lands
16 temporarily inundated by nonnavigable waters flowing outside the
17 established banks of a river, stream, slough, or other waterway,
18 where signs forbidding trespass are displayed at intervals not less
19 than three to the mile along all exterior boundaries and at all roads
20 and trails entering those lands, for the purpose of discharging any
21 firearm or taking or destroying any mammal or bird, including any
22 waterfowl, on those lands without having first obtained written
23 permission from the owner of those lands, or his or her agent, or
24 the person in lawful possession of those lands. The signs may be
25 of any size and wording that will fairly advise persons about to
26 enter the land that the use of the land is restricted.~~

27 ~~SEC. 6.~~

28 ~~SEC. 3. Section 2017 of the Fish and Game Code is repealed.~~