

AMENDED IN SENATE JUNE 15, 2010

AMENDED IN ASSEMBLY JANUARY 25, 2010

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 ~~Section 206~~ *Sections 206, 2016, 3051, and 13104* 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; wildlife.~~

The

(1) *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~~ *10* 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.

~~Existing~~

(2) 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.

This bill would delete that provision.

(3) Existing law requires the Department of Fish and Game to prescribe a minimum level of skill and knowledge to be required of all hunter education instructors, and may limit the number of students per instructor in all required classes.

This bill would require the department to offer special hunting opportunities to qualified hunter education instructors by providing a limited number of existing tags and other hunting opportunities.

(4) Under existing law 1/2 of all fines and forfeitures imposed or collected in any court of this state for violations of the Fish and Game Code are deposited to the county in which the offense was committed in a county fish and wildlife propagation fund to be expended for the protection, conservation, propagation, and preservation of fish and wildlife, in accordance with specified requirements. Existing law authorizes the department to audit, or require the county to audit, expenditures by the county from its fish and wildlife propagation fund in order to determine compliance with these requirements.

If, after reviewing the audit, the department determines that expenditures are not in compliance with the requirements, the bill would authorize the department to require that all expenditures from the fund be temporarily suspended, or it may seek reimbursement of funds that the audit determined were expended improperly, or both.

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~~ 10
- 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 1 of that year, or 60 days prior
- 10 to the first meeting, whichever comes first. Meeting locations shall

1 be accessible to the public and located throughout the state, with
2 no more than three regular meetings to be held in Sacramento per
3 year. To the extent feasible, meetings shall be held in state
4 facilities. In setting the dates and locations for regular meetings,
5 the commission shall also consider the following factors:

6 (1) Recommendations of the department.

7 (2) Opening and closing dates of fishing and hunting seasons.

8 (3) The schedules of other state and federal regulatory agencies
9 whose regulations affect the management of fish and wildlife of
10 this state.

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

17 *SEC. 2. Section 2016 of the Fish and Game Code is amended*
18 *to read:*

19 2016. It is unlawful to enter any lands under cultivation or
20 enclosed by a fence, belonging to, or occupied by, another, or to
21 enter any uncultivated or unenclosed lands, including lands
22 temporarily inundated by waters flowing outside the established
23 banks of a river, stream, slough, or other waterway, where signs
24 forbidding trespass are displayed at intervals not less than three to
25 the mile along all exterior boundaries and at all roads and trails
26 entering such lands, for the purpose of discharging any firearm or
27 taking or destroying any mammal or bird, including any waterfowl,
28 ~~on such those~~ lands without having first obtained written
29 permission from the owner of ~~such those~~ lands, or his *or her* agent,
30 or the person in lawful possession thereof. ~~Such~~ The signs may be
31 of any size and wording, ~~other than the wording required for signs~~
32 ~~under Section 2017, which that~~ will fairly advise persons about to
33 enter the land that the use of ~~such the~~ land is so restricted. *Nothing*
34 *in this section shall interfere with or restrict the right of the public*
35 *to use navigable waters as provided under Section 4 of Article X*
36 *of the California Constitution.*

37 ~~SEC. 2.~~

38 *SEC. 3. Section 2017 of the Fish and Game Code is repealed.*

39 *SEC. 4. Section 3051 of the Fish and Game Code is amended*
40 *to read:*

1 3051. (a) The department shall provide for a course of
2 instruction in hunter education, principles of conservation, and
3 sportsmanship, and for this purpose may cooperate with any
4 reputable association or organization having as one of its objectives
5 the promotion of hunter safety, principles of conservation, and
6 sportsmanship.

7 (b) The department may designate as a hunter education
8 instructor any person found by it to be competent to give instruction
9 in the courses required in this article. A person so appointed shall
10 give that course of instruction, and, upon completion thereof, shall
11 issue to the person instructed a certificate of completion as provided
12 by the department in hunter safety, principles of conservation, and
13 sportsmanship.

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

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

21 (e) *(1) In order to recruit and retain hunter education*
22 *instructors, the department shall offer special hunting opportunities*
23 *to qualified hunter education instructors by providing a limited*
24 *number of existing tags and other hunting opportunities. The*
25 *department may provide these tags and hunting opportunities*
26 *through any of the following methods:*

27 (A) *The private lands management program described in Article*
28 *5 (commencing with Section 3400) of Chapter 2.*

29 (B) *The Shared Habitat Alliance for Recreational Enhancement*
30 *(SHARE) program described in Article 3 (commencing with Section*
31 *1570) of Chapter 5 of Division 2.*

32 (C) *Entering into cooperative agreements with federal, state,*
33 *and local agencies that hold title to, or administer, lands or waters.*

34 (D) *Entering into cooperative agreements with landowners or*
35 *tenants seeking depredation permits for game mammals as*
36 *described in Section 4188.*

37 (E) *Authorizing a minimum of two deer tags from the annual*
38 *deer tag quota, as determined by the department.*

39 (2) *Eligibility criteria for hunter education instructors seeking*
40 *hunting opportunities pursuant to this subdivision shall be*

1 *determined by the department. Hunter education instructors that*
2 *meet these criteria shall be selected for opportunities pursuant to*
3 *this subdivision only by random drawing.*

4 *SEC. 5. Section 13104 of the Fish and Game Code is amended*
5 *to read:*

6 13104. The department may audit, or require the county to
7 audit, expenditures by the county from its fish and wildlife
8 propagation fund in order to determine compliance with this
9 chapter. *If, after reviewing the audit, the department determines*
10 *that expenditures are not in compliance with this chapter, the*
11 *department may require that all expenditures from the fund be*
12 *temporarily suspended, or it may seek reimbursement of funds that*
13 *the audit determined were expended improperly, or both.*