

AMENDED IN SENATE AUGUST 16, 2010  
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**

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**Introduced by Assembly Member Tom Berryhill**

February 27, 2009

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An act to amend 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: wildlife.

(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 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.

~~(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)~~

(2) 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~~ *authorizes the department to* 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)

(3) 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~~ *paid* to the county in which the offense was committed *and deposited* 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 *to* 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~~

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

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 10 regular
- 4 meetings per calendar year, if the commission has adequate funding

1 for related travel, including funding for department travel. The  
2 commission may also hold special meetings or hearings to receive  
3 additional input from the department and the public.

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

12 (1) Recommendations of the department.

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

14 (3) The schedules of other state and federal regulatory agencies  
15 whose regulations affect the management of fish and wildlife of  
16 this state.

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

23 ~~SEC. 2. Section 2016 of the Fish and Game Code is amended~~  
24 ~~to read:~~

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

1 ~~waters as provided under Section 4 of Article X of the California~~  
2 ~~Constitution.~~

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

4 ~~SEC. 4.~~

5 *SEC. 2.* Section 3051 of the Fish and Game Code is amended  
6 to read:

7 3051. (a) The department shall provide for a course of  
8 instruction in hunter education, principles of conservation, and  
9 sportsmanship, and for this purpose may cooperate with any  
10 reputable association or organization having as one of its objectives  
11 the promotion of hunter safety, principles of conservation, and  
12 sportsmanship.

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

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

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

27 (e) (1) In order to recruit and retain hunter education instructors,  
28 the department shall offer special hunting opportunities to qualified  
29 hunter education instructors by providing a limited number of  
30 existing tags and other hunting opportunities. The department may  
31 provide these tags and hunting opportunities through any of the  
32 following methods:

33 (A) The private lands management program described in Article  
34 5 (commencing with Section 3400) of Chapter 2.

35 (B) The Shared Habitat Alliance for Recreational Enhancement  
36 (SHARE) program described in Article 3 (commencing with  
37 Section 1570) of Chapter 5 of Division 2.

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

1 (D) Entering into cooperative agreements with landowners or  
2 tenants seeking deprecation permits for game mammals as  
3 described in Section 4188.

4 (E) Authorizing a ~~minimum of two deer~~ *maximum of 15* tags  
5 from the annual ~~deer~~ tag quota, as determined by the department.

6 (2) ~~Eligibility~~ *The department shall determine eligibility* criteria  
7 for hunter education instructors seeking ~~hunting opportunities~~  
8 ~~pursuant to this subdivision shall be determined by the department.~~

9 ~~Hunter education instructors that hunting opportunities offered~~  
10 ~~pursuant to this subdivision. The department shall select hunter~~  
11 ~~education instructors who meet these criteria shall be selected for~~  
12 ~~opportunities pursuant to this subdivision only by random drawing.~~

13 (f) *The department may adopt regulations to implement this*  
14 *section.*

15 ~~SEC. 5.~~

16 *SEC. 3.* Section 13104 of the Fish and Game Code is amended  
17 to read:

18 13104. The department may audit, or require the county to  
19 audit, expenditures by the county from its fish and wildlife  
20 propagation fund in order to determine compliance with this  
21 chapter. If, after reviewing the audit, the department determines  
22 that expenditures are not in compliance with this chapter, the  
23 department may require that all expenditures from the fund be  
24 temporarily suspended, or it may seek reimbursement of funds  
25 that the ~~audit determined~~ *department determines, based on the*  
26 *audit*, were expended improperly, or both.