

Assembly Bill No. 1254

CHAPTER 419

An act to amend Sections 206, 3051, and 13104 of the Fish and Game Code, relating to fish and wildlife.

[Approved by Governor September 28, 2010. Filed with
Secretary of State September 28, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1254, 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 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 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.

(3) Under existing law, $\frac{1}{2}$ of all fines and forfeitures imposed or collected in any court of this state for violations of the Fish and Game Code are 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.

The bill would authorize the department to require that all expenditures from the fund be temporarily suspended, or to seek reimbursement of funds that the 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.

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

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

206. (a) The commission shall hold no fewer than 10 regular meetings per calendar year, if the commission has adequate funding for related travel, including funding for department travel. The commission may also hold special meetings or hearings to receive additional input from the department and the public.

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

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

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

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

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

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

(c) The department shall 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.

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

(e) (1) In order to recruit and retain hunter education instructors, the department shall offer special hunting opportunities to qualified hunter education instructors by providing a limited number of existing tags and

other hunting opportunities. The department may provide these tags and hunting opportunities through any of the following methods:

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

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

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

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

(E) Authorizing a maximum of 15 tags from the annual tag quota, as determined by the department.

(2) The department shall determine eligibility criteria for hunter education instructors seeking hunting opportunities offered pursuant to this subdivision. The department shall select hunter education instructors who meet these criteria for opportunities pursuant to this subdivision only by random drawing.

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

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

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