

AMENDED IN SENATE MARCH 22, 2010

SENATE BILL

No. 1058

Introduced by Senator Harman
(Coauthor: Assembly Member Chesbro)

February 16, 2010

An act to amend Sections 331, 332, 1528, 3686, 4332, 4656, 4751, 4902, and 4903 of, to add Section 3953 to, to repeal Section 3685 of, and to repeal and add Sections 3684 and 4334 of, the Fish and Game Code, relating to hunting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1058, as amended, Harman. ~~Game hunting.~~ *Hunting and fishing.*

Existing law requires all money collected under the provisions of the Fish and Game Code, including money received as a result of the sale of licenses issued under the provisions of the code, to be deposited into the Fish and Game Preservation Fund, unless otherwise provided. Existing law requires the Department of Fish and Game to operate wildlife management areas on a nonprofit basis for multiple recreational uses. Existing law authorizes the department to issue an annual wildlife area pass or a day use pass that authorizes the bearer to enter and use facilities and programs on designated department-managed lands. Existing law grants authority to the Fish and Game Commission department to issue tags, stamps, and licenses for the hunting of antelope, elk, upland game birds, deer, wild pigs, bears, and bighorn sheep upon payment of a fee, to be deposited into the fund.

This bill would establish the Upland Game Bird Account within the fund to permit separate accountability for the receipt and, subject to appropriation, the prescribed expenditure of revenues from upland game bird validations and stamps.

The bill would establish the Big Game Management Account within the fund to permit separate accountability for the receipt and, subject to appropriation, the prescribed expenditure of revenues from antelope, elk, deer, wild pig, bear, and bighorn sheep tags.

The bill would exempt projects funded from the accounts from the State Contract Act and from statutory provisions relating to the Disabled Veteran Business Enterprise Program.

The bill would make various conforming changes relating to the establishment of the accounts.

Existing law requires the department to operate public shooting grounds, state marine recreational management areas, and wildlife management areas on a nonprofit basis. Existing law declares that multiple recreational use of wildlife management areas is desirable and requires the commission to encourage that use.

This bill would declare that the traditional use of hunting and fishing in wildlife management areas is particularly desirable.

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 331 of the Fish and Game Code is
- 2 amended to read:
- 3 331. (a) The commission may determine and fix the area or
- 4 areas, the seasons and hours, the bag and possession limit, and the
- 5 sex and total number of antelope (*Antilocapra americana*) that may
- 6 be taken under regulations that the commission may adopt from
- 7 time to time. Only a person possessing a valid hunting license,
- 8 who has not received an antelope tag under these provisions during
- 9 a period of time specified by the commission, may obtain a tag for
- 10 the taking of antelope.
- 11 (b) The department may issue a tag upon payment of a fee. The
- 12 fee for a tag shall be fifty-five dollars (\$55) for a resident of the
- 13 state, as adjusted under Section 713. On or before July 1, 2007,
- 14 the commission shall, by regulation, fix the fee for a nonresident
- 15 of the state at not less than a fee of three hundred fifty dollars
- 16 (\$350), as adjusted under Section 713. The fee shall be deposited
- 17 in the Big Game Management Account established in Section 3953
- 18 and, upon appropriation by the Legislature, shall be expended, in

1 addition to moneys budgeted for salaries of persons in the
2 department as set forth in Section 3953.

3 (c) The commission shall direct the department to annually
4 authorize not less than one antelope tag or more than 1 percent of
5 the total number of tags available for the purpose of raising funds
6 for programs and projects to benefit antelope. These tags may be
7 sold at auction to residents or nonresidents of the state or by another
8 method and are not subject to the fee limitation prescribed in
9 subdivision (b). All revenues from sales pursuant to this subdivision
10 shall be deposited in the Big Game Management Account
11 established in Section 3953 and, upon appropriation by the
12 Legislature, shall be expended as set forth in that section.

13 (d) The commission shall direct the department to annually
14 authorize one antelope tag of the total number of tags available
15 for issuance to nonresidents of the state.

16 SEC. 2. Section 332 of the Fish and Game Code is amended
17 to read:

18 332. (a) The commission may determine and fix the area or
19 areas, the seasons and hours, the bag and possession limit, and the
20 number of elk that may be taken under rules and regulations that
21 the commission may adopt from time to time. The commission
22 may authorize the taking of tule elk if the average of the
23 department's statewide tule elk population estimates exceeds 2,000
24 animals, or the Legislature determines, pursuant to the reports
25 required by Section 3951, that suitable areas cannot be found in
26 the state to accommodate that population in a healthy condition.

27 (b) Only a person possessing a valid hunting license may obtain
28 a tag for the taking of elk.

29 (c) The department may issue an elk tag upon payment of a fee.
30 The fee for a tag shall be one hundred sixty-five dollars (\$165) for
31 a resident of the state, as adjusted under Section 713. On or before
32 July 1, 2007, the commission shall, by regulation, fix the fee for
33 a nonresident of the state at not less than one thousand fifty dollars
34 (\$1,050), as adjusted under Section 713. The fees shall be deposited
35 in the Big Game Management Account established in Section 3953
36 and, upon appropriation by the Legislature, shall be expended, in
37 addition to moneys budgeted for salaries of the department as set
38 forth in Section 3953.

39 (d) The commission shall annually direct the department to
40 authorize not more than three elk hunting tags for the purpose of

1 raising funds for programs and projects to benefit elk. These tags
2 may be sold at auction to residents or nonresidents of the state or
3 by another method and are not subject to the fee limitation
4 prescribed in subdivision (c). All revenues from sales pursuant to
5 this subdivision shall be deposited in the Big Game Management
6 Account established in Section 3953 and, upon appropriation by
7 the Legislature, shall be expended as set forth in that section.

8 (e) The commission shall direct the department to annually
9 authorize one elk tag of the total number of tags available for
10 issuance to nonresidents of the state.

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

13 1528. (a) Lands, or lands and water, acquired for public
14 shooting grounds, state marine (estuarine) recreational management
15 areas, or wildlife management areas shall be operated on a
16 nonprofit basis by the department. Multiple recreational use of
17 wildlife management areas, particularly the traditional use of
18 hunting and fishing, is desirable and ~~that use~~ those uses shall be
19 encouraged by the commission.

20 (b) Except for hunting and fishing purposes, only minimum
21 facilities to permit other forms of multiple recreational use, such
22 as camping, picnicking, boating, or swimming, shall be provided.
23 Except as provided in Section 1765, and to defray the costs
24 associated with multiple use, the commission may determine and
25 fix the amount of, and the department shall collect, fees for any
26 use privileges. However, tours by organized youth and school
27 groups are exempt from the payment of those fees.

28 (c) Only persons holding valid hunting licenses may apply for
29 or obtain shooting permits for public shooting grounds, state marine
30 (estuarine) recreational management areas, or wildlife management
31 areas.

32 SEC. 4. Section 3684 of the Fish and Game Code is repealed.

33 SEC. 5. Section 3684 is added to the Fish and Game Code, to
34 read:

35 3684. (a) The Upland Game Bird Account is hereby established
36 within the Fish and Game Preservation Fund.

37 (b) All funds derived from the sale of upland game bird hunting
38 validations and upland game bird stamps shall be deposited in the
39 Upland Game Bird Account to permit separate accountability for
40 the receipt and expenditure of these funds.

(c) Funds deposited in the Upland Game Bird Account shall be available for expenditure upon appropriation by the Legislature to the department. These funds shall be expended solely for the purpose of acquiring land, completing projects and implementing programs to benefit the upland game bird species, and expanding public hunting opportunities and related public outreach. ~~The department may also use these funds to enter into contracts or to award grants to reimburse, upon completion of the projects, nonprofit organizations described in Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)) for related habitat projects.~~ Any land acquired with funds from the Upland Game Bird Account shall be acquired in fee title or protected with a conservation easement and, to the extent possible, be open or provide access to the public for upland game bird hunting. The department may also use funds from the Upland Game Bird Account to pay for administrative and enforcement costs of the programs and activities described in this section. The amount allocated from the account for administrative costs shall be limited to the reasonable costs associated with administration of the programs and activities described in this section.

(d) The department may make grants or enter into contracts with nonprofit organizations for the use of the funds from the Upland Game Bird Account to carry out the purposes of this section.

~~(d)~~

(e) An advisory committee, as determined by the department, that includes interested nonprofit organizations that have goals and objectives directly related to the management and conservation of game bird species and primarily represent the interests of persons licensed pursuant to Section 3031 shall review and provide comments to the department on all proposed projects funded from the Upland Game Bird Account to help ensure that the requirements of this section have been met. The department shall post budget information and a brief description on its Internet Web site for all projects funded from the Upland Game Bird Account.

~~(e)~~

(f) Upland game bird projects authorized pursuant to this section are not subject to Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code or Article 6 (commencing

1 with Section 999) of Chapter 6 of Division 4 of the Military and
2 Veterans Code.

3 (f)

4 (g) The department shall maintain the internal accountability
5 necessary to ensure compliance with the collection, deposit, and
6 expenditure of funds specified in this section.

7 SEC. 6. Section 3685 of the Fish and Game Code is repealed.

8 SEC. 7. Section 3686 of the Fish and Game Code is amended
9 to read:

10 3686. Projects authorized pursuant to Section 3684 shall be
11 governed by Section 1501.5. With the approval of the entity in
12 control of property affected by a project, the department may make
13 grants to, or enter into contracts with, nonprofit organizations for
14 the accomplishment of those projects, or the department may
15 reimburse the controlling entity for its costs of accomplishing the
16 project.

17 SEC. 8. Section 3953 is added to the Fish and Game Code, to
18 read:

19 3953. (a) The Big Game Management Account is hereby
20 established within the Fish and Game Preservation Fund.

21 (b) All revenues from the sale of antelope, elk, deer, wild pig,
22 bear, and sheep tags, including any fundraising tags, shall be
23 deposited in the Big Game Management Account to permit separate
24 accountability for the receipt and expenditure of these funds.

25 (c) Funds deposited in the Big Game Management Account
26 shall be available for expenditure upon appropriation by the
27 Legislature to the department. These funds shall be expended solely
28 for the purposes set forth in this section and Sections 3951 and
29 3952, and Chapter 5 (commencing with Section 450) of Division
30 1, Chapter 7 (commencing with Section 4650), and Chapter 11
31 (commencing with Section 4900), including acquiring land,
32 completing projects, and implementing programs to benefit
33 antelope, elk, deer, wild pigs, bear, and sheep, and expanding
34 public hunting opportunities and related public outreach. ~~The~~
35 ~~department may also use these funds to enter into contracts or to~~
36 ~~award grants to reimburse, upon completion of the projects,~~
37 ~~nonprofit organizations described in Section 501(c)(3) of the~~
38 ~~Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)) for related~~
39 ~~conservation projects.~~ Any land acquired with funds from the Big
40 Game Management Account shall be acquired in fee title or

protected with a conservation easement and, to the extent possible, be open or provide access to the public for antelope, elk, deer, wild pig, bear, or sheep hunting. The department may also use funds from the Big Game Management Account to pay for administrative and enforcement costs of the programs and activities described in this section. The amount allocated from the account for administrative costs shall be limited to the reasonable costs associated with administration of the programs and activities described in this section.

(d) The department may make grants or enter into contracts with nonprofit organizations for the use of the funds from the Big Game Management Account ~~when it finds that the contracts are necessary for carrying out the purposes of this article.~~ *Game Management Account to carry out the purposes of this section.*

(e) An advisory committee, as determined by the department, that includes interested nonprofit organizations that have goals and objectives directly related to the management and conservation of big game species and primarily represent the interests of persons licensed pursuant to Section 3031 shall review and provide comments to the department on all proposed projects funded from the Big Game Management Account to help ensure that the requirements of this section have been met. The department shall post budget information and a brief description on an Internet Web site for all projects funded from the Big Game Management Account.

(f) Big game projects authorized pursuant to this section are not subject to Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code or Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

(g) The department shall maintain the internal accountability necessary to ensure compliance with the collection, deposit, and expenditure of funds specified in this section.

SEC. 9. Section 4332 of the Fish and Game Code is amended to read:

4332. (a) Any resident of this state, 12 years of age or over, who possesses a valid hunting license, may procure one tag for the taking of one deer by one person during the current license year, upon payment of the base fee of ten dollars (\$10) for the license year beginning July 1, 1986, and the base fee as adjusted under Section 713 for subsequent license years.

(b) Any nonresident of this state, 12 years of age or over, who possesses a valid hunting license, may procure one tag for the taking of one deer by one person during the current license year, upon payment of the base fee of one hundred dollars (\$100) for the license year beginning July 1, 1986, and the base fee as adjusted under Section 713 for subsequent license years.

(c) If provided in regulations adopted by the commission under Section 200, any resident of this state, 12 years of age or over, who possesses a deer tag may procure one additional deer tag for the taking of one additional deer during the current license season, upon payment of the base fee of twelve dollars and fifty cents (\$12.50) for the license years beginning July 1, 1986, and the base fee as adjusted under Section 713 for subsequent license years.

(d) If provided in regulations adopted by the commission under Section 200, any nonresident of this state, 12 years of age or over, who possesses a deer tag may procure one additional deer tag for the taking of one additional deer during the current license season, upon payment of the base fee of one hundred dollars (\$100) for the license year beginning July 1, 1986, and the base fee as adjusted under Section 713 for subsequent license years.

(e) All revenues pursuant to this section shall be deposited in the Big Game Management Account established in Section 3953 and, upon appropriation by the Legislature, shall be expended as set forth in that section.

SEC. 10. Section 4334 of the Fish and Game Code is repealed.

SEC. 11. Section 4334 is added to the Fish and Game Code, to read:

4334. (a) The commission shall annually direct the department to authorize, pursuant to Section 1054.8, the sale of not more than 10 deer tags for the purpose of raising funds for programs and projects as set forth in Section 3953. All revenue from the sale of tags pursuant to this section shall be deposited in the Big Game Management Account established in Section 3953 and, upon appropriation by the Legislature, shall be expended as set forth in that section.

(b) These tags may be sold to residents or nonresidents of the State of California at auction or by any other method and are not subject to the fees prescribed by Section 4332.

(c) These funds shall augment, not supplant, any other funds appropriated to the department for the preservation, restoration,

1 utilization, and management of deer. All revenues derived from
2 the sale of these tags shall be remitted to the department by the
3 seller.

4 SEC. 12. Section 4656 of the Fish and Game Code is amended
5 to read:

6 4656. Revenues received pursuant to this chapter shall be
7 deposited in the Big Game Management Account established in
8 Section 3953. These funds shall be available for expenditure by
9 the department as set forth in Section 3953. The department shall
10 maintain all internal accounting measures necessary to ensure that
11 all restrictions on these funds are met.

12 SEC. 13. Section 4751 of the Fish and Game Code is amended
13 to read:

14 4751. (a) Any resident of this state, 12 years of age or over,
15 who possesses a valid hunting license, may procure the number
16 of bear tags corresponding to the number of bear that may legally
17 be taken by one person during the current license year, upon
18 payment of a base fee of fifteen dollars (\$15), as adjusted under
19 Section 713, for each bear tag. Fee revenues pursuant to this
20 subdivision shall be deposited in the Big Game Management
21 Account established in Section 3953 and, upon appropriation by
22 the Legislature, shall be expended as set forth in that section.

23 (b) Any nonresident of this state, 12 years of age or over, who
24 possesses a valid California hunting license, may procure the
25 number of bear tags corresponding to the number of bear that may
26 be legally taken by one person during the current license year upon
27 payment of the base fee of one hundred five dollars (\$105), as
28 adjusted under Section 713, for each bear tag. Fee revenues
29 pursuant to this subdivision shall be deposited in the Big Game
30 Management Account established in Section 3953 and, upon
31 appropriation by the Legislature, shall be expended as set forth in
32 that section.

33 SEC. 14. Section 4902 of the Fish and Game Code is amended
34 to read:

35 4902. (a) The commission may adopt all regulations necessary
36 to provide for biologically sound management of Nelson bighorn
37 sheep (subspecies *Ovis canadensis nelsoni*).

38 (b) (1) After the plans developed by the department pursuant
39 to Section 4901 for the management units have been submitted,
40 the commission may authorize sport hunting of mature Nelson

1 bighorn rams. Before authorizing the sport hunting, the commission
2 shall take into account the Nelson bighorn sheep population
3 statewide, including the population in the management units
4 designated for hunting.

5 (2) Notwithstanding Section 219, the commission shall not,
6 however, adopt regulations authorizing the sport hunting in a single
7 year of more than 15 percent of the mature Nelson bighorn rams
8 in a single management unit, based on the department's annual
9 estimate of the population in each management unit.

10 (c) The fee for a tag to take a Nelson bighorn ram may be
11 determined by the commission, but shall not exceed five hundred
12 dollars (\$500). Fee revenues shall be deposited in the Big Game
13 Management Account established in Section 3953 and, upon
14 appropriation by the Legislature, shall be expended as set forth in
15 that section.

16 (d) The commission shall annually direct the department to
17 authorize not more than three of the tags available for issuance
18 that year to take Nelson bighorn rams for the purpose of raising
19 funds for programs and projects to benefit Nelson bighorn sheep.
20 These tags may be sold to residents or nonresidents of the State
21 of California at auction or by another method and shall not be
22 subject to the fee limitation prescribed in subdivision (c).
23 Commencing with tags sold for the 1993 hunting season, if more
24 than one tag is authorized, the department shall designate a
25 nonprofit organization organized pursuant to the laws of this state,
26 or the California chapter of a nonprofit organization organized
27 pursuant to the laws of another state, as the seller of not less than
28 one of these tags. The number of tags authorized for the purpose
29 of raising funds pursuant to this subdivision, if more than one,
30 shall not exceed 15 percent of the total number of tags authorized
31 pursuant to subdivision (b). All revenue from the sale of tags
32 pursuant to this subdivision shall be deposited in the Big Game
33 Management Account established in Section 3953 and, upon
34 appropriation by the Legislature, shall be expended as set forth in
35 that section.

36 (e) No tag issued pursuant to this section shall be valid unless
37 and until the licensee has successfully completed a prehunt hunter
38 familiarization and orientation and has demonstrated to the
39 department that he or she is familiar with the requisite equipment
40 for participating in the hunting of Nelson bighorn rams, as

1 determined by the commission. The orientation shall be conducted
2 by the department at convenient locations and times preceding
3 each season, as determined by the commission.

4 SEC. 15. Section 4903 of the Fish and Game Code is amended
5 to read:

6 4903. Revenue from the fees authorized by this chapter shall
7 be deposited in the Big Game Management Account established
8 in Section 3953 and, upon appropriation by the Legislature, shall
9 be expended as set forth in that section. Administrative overhead
10 shall be limited to the reasonable costs associated with the direct
11 administration of the program. These funds shall be used to
12 augment, and not to replace, moneys appropriated from existing
13 funds available to the department for the preservation, restoration,
14 utilization, and management of bighorn sheep. The department
15 shall maintain internal accountability necessary to ensure that all
16 restrictions on the expenditure of these funds are met.