

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 18, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2402

Introduced by Assembly Member Huffman

February 24, 2012

An act to amend Sections 37, 39, 700, 1002, 2089.4, 2536, 2540, 3031.2, 6651, 7149.8, and 8598.3 of, and to add Sections 13.5, 33, 43, 703.3, 703.5, 715, 1020, 1065, 12028, and 13205 to, the Fish and Game Code, and to amend Section 12805 of the Government Code, relating to fish and wildlife resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2402, as amended, Huffman. Department of Fish and Game: Fish and Game Commission: entitlements: fees: violations.

(1) Existing law establishes the Department of Fish and Game and the Fish and Game Commission and sets forth the powers and duties of that department and commission.

This bill would make findings and declarations of the Legislature concerning the process of developing a strategic vision for the ~~Department of Fish and Game~~ *department* and the ~~Fish and Game Commission~~ *commission* pursuant to Chapter 424 of the Statutes of 2010, as specified. The bill would make specified statements of policy relating to the use of ecosystem-based management, adaptive management, and credible science, as defined. The bill would state the intent of the Legislature regarding department and commission partnerships and collaborations with other agencies and stakeholders.

This bill would rename the ~~Department of Fish and Game department~~ the Department of Fish and Wildlife, and would make related changes. The bill would prohibit existing supplies, forms, insignias, signs, logos, uniforms, or emblems from being destroyed or changed as a result of changing the name of the ~~Department of Fish and Game~~ to the ~~Department of Fish and Wildlife department~~, and would require their continued use until exhausted or unserviceable.

The bill would require the Director of Fish and Game, in consultation with the Natural Resources Agency, to establish an independent science advisory panel to provide advice and recommendations to the department and the commission.

The bill would require the department to develop and adopt a method to impose and collect entry pass fees onsite for visitors that who are engaging in nonconsumptive uses, as defined, at state wildlife refuges and other lands managed by the department that are open to the public. The bill would require the department, *where, in the determination of the department, it is feasible and cost effective, to make entry passes available for purchase onsite, and* to modify its online processes for purchase of entry passes and warden stamps to make these systems user-friendly for nonconsumptive users.

The bill would require the director, at least 30 days before submitting the department's proposed annual budget requests to the Governor, to give the commission an opportunity to review and provide comment on the proposed annual budget requests.

(2) Under existing law, the changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services is used as the index to determine an annual rate of increase or decrease in the fees for licenses, stamps, permits, and tags. Under existing law, the department issues scientific collecting permits, lifetime hunting licenses, guide licenses, abalone report cards, kelp harvester licenses, and marine aquaria collector's permits, and existing law establishes base fees for those entitlements, adjusted annually pursuant to the index.

This bill would require the commission to adjust the amount of the fees for lifetime hunting licenses, guide licenses, abalone report cards, kelp harvester licenses, and marine aquaria collector's permits, as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the department and the commission relating to those licences or permits. The bill would require the department to adjust the amount of the fees for scientific collecting permits as necessary, to fully recover, but not exceed, all reasonable administrative

and implementation costs of the department and the commission relating to those permits.

(3) Existing law, except as expressly provided otherwise, makes violations of the Fish and Game Code, or of any rule, regulation, or order made or adopted under that code, a misdemeanor. Existing law sets prescribed fines and penalties for specified violations.

This bill would require the department, *by January 1, 2015*, to modify its Automated License Data System to include information on all violations of the code and regulations adopted pursuant to the code. The bill would require *the department, by January 1, 2015, to modify* electronic field equipment utilized by fish and game wardens ~~to be modified~~ to give fish and game wardens access to Automated License Data System information in the field.

(4) Existing law requires, unless otherwise provided, that all money collected under the provisions of the Fish and Game Code and of any other law relating to the protection and preservation of birds, mammals, fish, reptiles, or amphibia be paid into the State Treasury to the credit of the Fish and Game Preservation Fund. Existing law establishes specific accounts within the fund, including the Big Game Management Account, and the department has established other accounts within the fund.

This bill would require the Augmented Deer Tags Account, Bighorn Sheep Permit Account, and Wild Pig Account within the fund to be consolidated and any remaining funds in these accounts transferred to the Big Game Management Account. The bill would require the department, after consultation with the Department of Finance and the Legislative Analyst's Office, to provide recommendations to the Legislature for consolidation of additional dedicated accounts within the fund if, in the determination of the department, consolidation would serve to reduce administrative costs to the department and enhance its ability to meet current needs, while still preserving the stated purposes of the dedicated accounts.

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. (a)—*The Legislature finds and declares the*
2 *following:*

1 (a) In 2010, the Legislature passed and the Governor signed
2 Assembly Bill 2376, which established a process to develop a
3 strategic vision for the Department of Fish and Game and the Fish
4 and Game Commission.

5 (b) Pursuant to Assembly Bill 2376, the Natural Resources
6 Agency appointed an executive committee, a blue ribbon
7 commission, and a broad-based stakeholder group, and established
8 a public process that is focused on improving and enhancing the
9 capacity of both the Department of Fish and Game and the Fish
10 and Game Commission to protect and manage California's fish
11 and wildlife.

12 (c) All groups and individuals with an interest in improving the
13 work of the department and the commission have been invited to
14 participate in the stakeholder group process. Numerous public
15 meetings have been held and extensive information on the process
16 and the comments received to date are available on the Internet
17 Web site of the Department of Fish and Game. The process is still
18 underway and a final report is due to the Legislature by June 2012.

19 (d) The policy chairs of the committees of the Legislature with
20 subject matter jurisdiction shall consider proposed legislation to
21 address many of the draft recommendations of the California Fish
22 and Wildlife Strategic Vision and other reforms necessary to satisfy
23 the mandate of Assembly Bill 2376. Some of the content of the
24 proposed legislation reflects suggestions contained in the draft
25 interim strategic vision report released by the department and the
26 commission on November 22, 2011. The proposed legislation may
27 be amended from time to time to reflect additional
28 recommendations as the stakeholder and blue ribbon commission
29 process and final reports of the executive committee are completed.

30 SEC. 2. Section 13.5 is added to the Fish and Game Code, to
31 read:

32 13.5. "Adaptive management," unless otherwise specified in
33 this code, means management that improves the management of
34 biological resources over time by using new information gathered
35 through monitoring, evaluation, and other credible sources as they
36 become available, and adjusts management strategies and practices
37 to assist in meeting conservation and management goals. Under
38 adaptive management, program actions are viewed as tools for
39 learning to inform future actions.

1 SEC. 3. Section 33 is added to the Fish and Game Code, to
2 read:

3 33. “Credible science” means the best available scientific
4 information that is not overly prescriptive due to the dynamic
5 nature of science, and includes the evaluation principles of
6 relevance, inclusiveness, objectivity, transparency, timeliness,
7 verification, validation, and peer review of information as
8 appropriate. Credible science also recognizes the need for adaptive
9 management as scientific knowledge evolves.

10 SEC. 4. Section 37 of the Fish and Game Code is amended to
11 read:

12 37. “Department” means the Department of Fish and Wildlife.

13 SEC. 5. Section 39 of the Fish and Game Code is amended to
14 read:

15 39. “Director” means the Director of Fish and Wildlife.

16 SEC. 6. Section 43 is added to the Fish and Game Code, to
17 read:

18 43. “Ecosystem-based management” means an environmental
19 management approach relying on credible science, as defined in
20 Section 33, that recognizes the full array of interactions within an
21 ecosystem, including humans, rather than considering single issues,
22 species, or ecosystem services in isolation.

23 SEC. 7. Section 700 of the Fish and Game Code is amended
24 to read:

25 700. (a) There is in the Natural Resources Agency a
26 Department of Fish and Wildlife administered through the director.

27 (b) The Department of Fish and Wildlife shall succeed to, and
28 is vested with, all the duties, powers, purposes, responsibilities,
29 property, and jurisdiction previously vested in the Department of
30 Fish and Game.

31 (c) Whenever the term “Department of Fish and Game” appears
32 in a law, the term means the “Department of Fish and Wildlife.”

33 (d) No existing supplies, forms, insignias, signs, logos, uniforms,
34 or emblems shall be destroyed or changed as a result of changing
35 the name of the Department of Fish and Game to the Department
36 of Fish and Wildlife, and those materials shall continue to be used
37 until exhausted or unserviceable.

38 SEC. 8. Section 703.3 is added to the Fish and Game Code, to
39 read:

1 703.3. It is the policy of the state that the department and
2 commission use ecosystem-based management informed by
3 credible science in all resource management decisions *to the extent*
4 *feasible*. It is further the policy of the state that scientific
5 professionals at the department and commission, and all resource
6 management decisions of the department and commission, be
7 governed by a scientific quality assurance and integrity policy,
8 and follow well-established standard protocols of the scientific
9 profession, including, but not limited to, the use of peer review,
10 publication, and science review panels where appropriate. Resource
11 management decisions of the department and commission should
12 also incorporate adaptive management to the extent possible.

13 SEC. 9. Section 703.5 is added to the Fish and Game Code, to
14 read:

15 703.5. It is the intent of the Legislature that the department and
16 the commission seek to create, foster, and actively participate in
17 effective partnerships and collaborations with other agencies and
18 stakeholders to achieve shared goals and to better integrate fish
19 and wildlife resource conservation and management with the
20 natural resource management responsibilities of other agencies.
21 To that end, the department and commission are encouraged to
22 participate in interagency coordination processes that facilitate
23 consistency and efficiency in review of projects requiring multiple
24 permits, including, but not necessarily limited to, joint state,
25 federal, and local permit review teams that enable early
26 consultation with project applicants, and provide improved sharing
27 of data, information, tools, and science to achieve better alignment
28 of planning, policies, and regulations across agencies.

29 SEC. 10. Section 715 is added to the Fish and Game Code, to
30 read:

31 715. (a) As used in this section, “panel” means the independent
32 science advisory panel established pursuant to subdivision (b).

33 (b) The director, in consultation with the Natural Resources
34 Agency, shall establish an independent science advisory panel to
35 provide advice and recommendations to the department and the
36 commission. The panel shall be composed of no more than 10
37 members recommended by the director and approved by the
38 Secretary of the Natural Resources Agency. The term of office
39 shall be for five years. A member ~~may~~ shall not serve ~~not~~ more
40 than two consecutive terms *and shall not receive state*

1 *compensation for membership on the panel.* Members of the panel
2 shall be scientific experts in their fields with expertise in biological
3 sciences and with a range of multidisciplinary expertise pertinent
4 to the work of the department and the commission. The purpose
5 of the panel shall be to assist the department and the commission
6 in establishing an independent and objective view of the scientific
7 issues underlying important policy decisions.

8 (c) The duties of the panel shall include, but not necessarily be
9 limited to, the following:

10 (1) Providing oversight of the scientific research, monitoring,
11 and assessment programs that support the department's and the
12 commission's work with fish and wildlife species and their habitats.

13 (2) Providing the best available independent scientific
14 information and advice to guide and inform department and
15 commission decisions.

16 (3) Promoting and facilitating independent scientific peer review.

17 (4) Promoting science-based adaptive management.

18 (5) Ensuring scientific integrity and transparency in
19 decisionmaking.

20 (d) The panel may recommend and consult with other
21 independent scientific experts with specialized expertise as needed
22 for independent peer review of department reports, including, but
23 not limited to, status review reports prepared for purposes of
24 informing decisions on petitions for listing of species under the
25 California Endangered Species Act (Chapter 1.5 (commencing
26 with Section 2050) of Division 3).

27 (e) The panel shall develop a proposed scientific integrity policy
28 to guide the work of the department and the commission. The
29 scientific integrity policy may include, but is not necessarily limited
30 to, an ethical code of conduct for department scientists, standards
31 for independent peer review, and other best practices for ensuring
32 scientific integrity and public confidence in department and
33 commission work products and decisions.

34 (f) For marine fisheries and other marine resources, the
35 department may utilize the California Ocean Science Trust for the
36 purposes of this section.

37 SEC. 11. Section 1002 of the Fish and Game Code is amended
38 to read:

39 1002. (a) The department may issue permits, subject to
40 restrictions and regulations that the commission determines are

1 desirable, to take or possess, in any part of the state, for scientific,
2 educational, or propagation purposes, mammals, birds and the
3 nests and eggs thereof, fish, ~~amphibia~~ *amphibians*, reptiles, or any
4 other form of plant or animal life.

5 (b) The department may issue a permit that is valid for 24
6 months from the date of issuance to a resident of this state on the
7 payment of a base fee of thirty dollars (\$30), as adjusted under
8 Section 713.

9 (c) Notwithstanding subdivision (b), the department may issue
10 a permit without fee that is valid for 12 months from the date of
11 issuance for either of the following purposes:

12 (1) To authorize only the banding of birds and the exhibition
13 of live or dead wildlife specimens by public zoological gardens,
14 scientific, or educational institutions.

15 (2) To a student who is regularly enrolled in a commercial
16 fishing class in a school operating under the jurisdiction of the
17 State Board of Education or in a commercial fishing class in a
18 community college and to a faculty member of those schools or a
19 community college when conducting a regularly enrolled class in
20 commercial fishing. Any permit issued under this paragraph shall
21 be valid only when the student is under the direct supervision of
22 the instructor who is approved by the school or community college
23 to teach the class and who has obtained a permit under subdivision
24 (b) or this paragraph from the department. All fish taken shall be
25 taken in accordance with state law, except that Sections 7850,
26 7880, and 7881 do not apply to persons or equipment operating
27 under this paragraph. All fish taken under a permit issued under
28 this paragraph may be sold only to a person licensed to receive
29 fish from commercial fishermen as provided in Section 8032 or
30 8033 or donated to a charitable institution. All funds received from
31 the sale of the fish shall be used solely for the support of the
32 commercial fishing classes.

33 (d) The department may issue a special student permit that is
34 valid for 12 months from the date of issuance on the payment of
35 a base fee of ten dollars (\$10), as adjusted under Section 713, to
36 any student in a school of collegiate level who is required by an
37 instructor in wildlife research in the school to collect specimens
38 used in laboratory work in the school under supervision and in
39 connection with a course in wildlife research or in the conduct of
40 wildlife investigations and studies on behalf of the public.

1 (e) The department may issue a nonresident permit that is valid
2 for 24 months from the date of issuance on application and payment
3 of a base fee of one hundred dollars (\$100) as adjusted under
4 Section 713.

5 (f) It is not necessary for the possessor of the permit to have a
6 sport fishing or hunting license to collect any fish, reptile, aquatic
7 animal or plant, bird, or mammal for scientific, educational, or
8 propagation purposes in this state.

9 (g) Nothing in this section authorizes any act which violates
10 Section 597 of the Penal Code.

11 (h) A permit under this section does not authorize the taking of
12 fish or mammals from the ocean waters of this state which are
13 within the boundaries of any city if the city has filed with the
14 department an objection to the taking.

15 (i) The adjustment of the base fees pursuant to Section 713 that
16 is specified in subdivisions (b), (d), and (e) shall be applicable to
17 permits issued on or after January 1, 1991.

18 (j) The department shall adjust the amount of the fees specified
19 in subdivisions (b), (d), and (e) as necessary, to fully recover, but
20 not exceed, all reasonable administrative and implementation costs
21 of the department and the commission relating to those permits.

22 SEC. 12. Section 1020 is added to the Fish and Game Code,
23 to read:

24 1020. The department shall develop and adopt a method to
25 impose and collect entry pass fees onsite for visitors that who are
26 engaging in nonconsumptive uses at state wildlife refuges and
27 other lands managed by the department that are open to the public.
28 *The Where, in the determination of the department, it is feasible*
29 *and cost effective, the department shall make entry passes available*
30 *for purchase onsite, and shall also modify its online processes for*
31 *purchase of entry passes and warden stamps to make these systems*
32 *user-friendly for nonconsumptive users.* As used in this section,
33 “nonconsumptive uses” means compatible uses other than hunting
34 or fishing.

35 SEC. 13. Section 1065 is added to the Fish and Game Code,
36 to read:

37 1065. The department, by January 1, 2015, shall modify its
38 Automated License Data System to include information on all
39 violations of this code and regulations adopted pursuant to this
40 code. ~~Electronic~~ *The department, by January 1, 2015, shall modify*

1 *electronic* field equipment utilized by fish and game wardens shall
2 be modified to give fish and game wardens access to Automated
3 License Data System information in the field.

4 SEC. 14. Section 2089.4 of the Fish and Game Code is
5 amended to read:

6 2089.4. As used in this article, the following definitions apply:

7 (a) “Agreement” means a state safe harbor agreement approved
8 by the department pursuant to this article. “Agreement” includes
9 an agreement with an individual landowner and a programmatic
10 agreement.

11 (b) “Baseline conditions” means the existing estimated
12 population size, the extent and quality of habitat, or both population
13 size and the extent and quality of habitat, for the species on the
14 land to be enrolled in the agreement that sustain seasonal or
15 permanent use by the covered species. Baseline conditions shall
16 be determined by the department, in consultation with the applicant,
17 and shall be based on the best available science and objective
18 scientific methodologies. For purposes of establishing baseline
19 conditions, a qualified person that is not employed by the
20 department may conduct habitat surveys, if that person has
21 appropriate species expertise and has been approved by the
22 department.

23 (c) “Department” means the Department of Fish and Wildlife,
24 acting through its director or his or her designee.

25 (d) “Landowner” means any person or nonstate or federal entity
26 or entities that lawfully hold any interest in land or water to which
27 they are committing to implement the requirements of this article.

28 (e) “Management actions” means activities on the enrolled land
29 or water that are reasonably expected by the department to provide
30 a net benefit to the species or their habitat, or both.

31 (f) “Monitoring program” means a program established or
32 approved by the department in accordance with subdivision (f) of
33 Section 2089.6.

34 (g) “Net conservation benefit” means the cumulative benefits
35 of the management activities identified in the agreement that
36 provide for an increase in a species’ population or the enhancement,
37 restoration, or maintenance of covered species’ suitable habitats
38 within the enrolled property. Net conservation benefit shall take
39 into account the length of the agreement, any offsetting adverse
40 effects attributable to the incidental taking allowed by the

1 agreement, and other mutually agreed upon factors. Net
2 conservation benefits shall be sufficient to contribute either directly
3 or indirectly to the recovery of the covered species. These benefits
4 include, but are not limited to, reducing fragmentation and
5 increasing the connectivity of habitats, maintaining or increasing
6 populations, enhancing and restoring habitats, and buffering
7 protected areas.

8 (h) “Programmatic agreement” means a state safe harbor
9 agreement issued to a governmental or nongovernmental program
10 administrator. The program administrator for a programmatic
11 agreement shall work with landowners and the department to
12 implement the agreement. The program administrator and the
13 department shall be responsible for ensuring compliance with the
14 terms of the agreement.

15 (i) “Qualified person” means a person with species expertise
16 who has been approved by the department.

17 (j) “Return to baseline” means, at the termination of an
18 agreement, activities undertaken by the landowner to return the
19 species population or extent or quality of habitat to baseline,
20 excluding catastrophic events such as floods, unplanned fires, or
21 earthquakes, and other factors mutually agreed upon prior to permit
22 issuance and that are beyond the control of the landowner.

23 SEC. 15. Section 2536 of the Fish and Game Code is amended
24 to read:

25 2536. (a) It is unlawful for any person to engage in the business
26 of guiding or packing, or to act as a guide for any consideration
27 or compensation whatever, without first having secured a guide
28 license from the department.

29 (b) An employee of a licensee who acts as a guide only in
30 connection with, and within the scope of, his or her employment
31 is exempt from the requirement of subdivision (a) if all of the
32 following conditions are met:

33 (1) If the employment is subject to and the person is reported
34 to the carrier of the employer’s workers’ compensation insurance.

35 (2) If the person is subject and reported to the state and federal
36 taxing authorities for withholding of income tax.

37 (3) If the person is reported to the department, on forms provided
38 by the department, as an employee of the guide prior to any contact
39 with any person being guided, and a registration fee has been paid.

40 The base fee for an employee guide registration for the 2004 license

1 year shall be thirty-three dollars (\$33), which shall be adjusted
2 annually thereafter pursuant to Section 713.

3 (c) A person who is licensed in another state to provide guide
4 services for the purposes of fishing is exempt from the requirements
5 of subdivision (a) if all of the following conditions are met:

6 (1) The state in which the person is licensed grants a similar
7 exemption to licensed guides who are residents of this state.

8 (2) Evidence of a valid guide license is provided to the
9 department upon request.

10 (3) The person is engaged in the business of guiding only in
11 conjunction with and during the term of a multistate fishing
12 tournament approved by the appropriate agency in each of the
13 affected states.

14 (4) The tournament sponsor provides to the department any
15 information or documents necessary to administer and enforce this
16 paragraph, as determined by the department, including, but not
17 limited to, the identities of all guides participating in the
18 tournament, verification of another state's license exemption, and
19 information sufficient to determine the validity of another state's
20 guide licenses.

21 (5) The tournament sponsor pays the department an amount,
22 determined by the department, to be sufficient to cover the
23 department's cost to administer and enforce this subdivision.

24 (6) The net proceeds of the tournament are used for resource
25 management projects or habitat improvement projects, or both.

26 (d) The commission shall adjust the amount of the fees specified
27 in paragraph (3) of subdivision (b), as necessary, to fully recover,
28 but not exceed, all reasonable administrative and implementation
29 costs of the department and the commission relating to those
30 licenses.

31 SEC. 16. Section 2540 of the Fish and Game Code is amended
32 to read:

33 2540. (a) The base fee for a guide license issued to a resident
34 is one hundred fifty dollars (\$150).

35 (b) The base fee for a guide license issued to a nonresident is
36 three hundred fifty dollars (\$350).

37 (c) A guide license is valid for the license year beginning on
38 February 1 and ending on January 31 of the succeeding year or, if
39 issued after the beginning of the license year, for the remainder of
40 that license year.

1 (d) The base fees specified in this section are applicable to the
2 2004 license year, and shall be adjusted annually thereafter
3 pursuant to Section 713.

4 (e) The commission shall adjust the amount of the fees specified
5 in subdivisions (a), (b), and (d), as necessary, to fully recover, but
6 not exceed, all reasonable administrative and implementation costs
7 of the department and the commission relating to those licenses.

8 SEC. 17. Section 3031.2 of the Fish and Game Code is
9 amended to read:

10 3031.2. (a) In addition to Sections 714 and 3031, and
11 notwithstanding Section 3037, the department shall issue lifetime
12 hunting licenses under this section. A lifetime hunting license
13 authorizes the taking of birds and mammals anywhere in this state
14 in accordance with the law for purposes other than profit for the
15 life of the person to whom issued unless revoked for a violation
16 of this code or regulations adopted under this code. A lifetime
17 hunting license is not transferable. A lifetime hunting license does
18 not include any special tags, stamps, or fees.

19 (b) A lifetime hunting license may be issued to residents of this
20 state, as follows:

21 (1) To a person 62 years of age or over, upon payment of a base
22 fee of three hundred sixty-five dollars (\$365).

23 (2) To a person 40 years of age or over, and less than 62 years
24 of age, upon payment of a base fee of five hundred forty dollars
25 (\$540).

26 (3) To a person 10 years of age or over, and less than 40 years
27 of age, upon payment of a base fee of six hundred dollars (\$600).

28 (4) To a person less than 10 years of age, upon payment of a
29 base fee of three hundred sixty-five dollars (\$365).

30 (c) Nothing in this section requires a person less than 16 years
31 of age to obtain a license to take birds or mammals except as
32 required by law.

33 (d) Nothing in this section exempts an applicant for a license
34 from meeting other qualifications or requirements otherwise
35 established by law for the privilege of sport hunting.

36 (e) The base fees specified in this section are applicable
37 commencing January 1, 2004, and shall be adjusted annually
38 thereafter pursuant to Section 713.

39 (f) The commission shall adjust the amount of the fees specified
40 in subdivision (b), as necessary, to fully recover, but not exceed,

1 all reasonable administrative and implementation costs of the
2 department and the commission relating to those licenses.

3 SEC. 18. Section 6651 of the Fish and Game Code is amended
4 to read:

5 6651. (a) A license granting the privilege to harvest kelp or
6 other aquatic plants shall be issued upon application and the
7 payment of a fee of one hundred dollars (\$100) to the department.
8 The license shall be valid from January 1 to December 31,
9 inclusive, or, if issued after the beginning of that term, for the
10 remainder thereof.

11 (b) The commission shall adjust the amount of the fees specified
12 in subdivision (a), as necessary, to fully recover, but not exceed,
13 all reasonable administrative and implementation costs of the
14 department and the commission relating to those licenses.

15 (c) This chapter does not apply to aquatic plants grown on
16 private land or on state water bottoms leased pursuant to Division
17 12 (commencing with Section 15000).

18 SEC. 19. Section 7149.8 of the Fish and Game Code is
19 amended to read:

20 7149.8. (a) A person shall not take abalone from ocean waters
21 unless he or she first obtains, in addition to a valid California sport
22 fishing license and any applicable license validation or stamp
23 issued pursuant to this code, an abalone report card, and maintains
24 that report card in his or her possession while taking abalone.

25 (b) The department or an authorized license agent shall issue
26 an abalone report card upon payment of a fee of fifteen dollars
27 (\$15) in the 2004 license year, which shall be adjusted annually
28 thereafter pursuant to Section 713.

29 (c) The commission shall adjust the amount of the fees specified
30 in subdivision (b) as necessary, to fully recover, but not exceed,
31 all reasonable administrative and implementation costs of the
32 department and the commission relating to those licenses.

33 SEC. 20. Section 8598.3 of the Fish and Game Code is
34 amended to read:

35 8598.3. (a) The fee for a marine aquaria collector's permit
36 shall be three hundred thirty dollars (\$330).

37 (b) A person engaged in taking, possessing, or landing marine
38 species under a marine aquaria collector's permit shall not take,
39 possess aboard a boat, or land any species under the authority of

1 a scientific collector's permit issued pursuant to Section 1002,
2 5515, or 10660 on the same fishing trip.

3 (c) The commission shall adjust the amount of the fees specified
4 in subdivision (a) as necessary, to fully recover, but not exceed,
5 all reasonable administrative and implementation costs of the
6 department and the commission relating to those licenses.

7 SEC. 21. Section 12028 is added to the Fish and Game Code,
8 to read:

9 12028. The Legislature finds and declares that:

10 (a) Egregious poaching violations and other violations of the
11 Fish and Game Code have been increasing, and these violations
12 have a detrimental impact on fish and wildlife and their habitats,
13 which are held in trust by the state for the benefit of the people of
14 the state.

15 (b) In order to facilitate effective enforcement of the Fish and
16 Game Code and deter illegal poaching and other violations that
17 adversely impact fish and wildlife, it is important that courts be
18 provided with up-to-date information on current Fish and Game
19 Code prohibitions and penalties that have been enacted by the
20 Legislature.

21 (c) It is therefore the intent of the Legislature to urge the Judicial
22 Council to review and update the Uniform Bail and Penalty
23 Schedule to include references to additional Fish and Game Code
24 provisions not included in the Uniform Bail and Penalty Schedule
25 currently.

26 (d) It is further the intent of the Legislature that courts in all 58
27 counties be informed of the availability of the updated Uniform
28 Bail and Penalty Schedules once those are completed.

29 SEC. 22. Section 13205 is added to the Fish and Game Code,
30 to read:

31 13205. The Augmented Deer Tags Account, Bighorn Sheep
32 Permit Account, and Wild Pig Account within the Fish and Game
33 Preservation Fund shall be consolidated and any remaining funds
34 in these accounts transferred to the Big Game Management
35 Account, consistent with Section 3953. The department, after
36 consultation with the Department of Finance and the Legislative
37 Analyst's Office, shall provide recommendations to the Legislature
38 for consolidation of additional dedicated accounts within the Fish
39 and Game Preservation Fund if, in the determination of the
40 department, consolidation would serve to reduce administrative

1 costs to the department and enhance its ability to meet current
2 needs, while still preserving the generally stated purpose of the
3 dedicated accounts.

4 SEC. 23. Section 12805 of the Government Code is amended
5 to read:

6 12805. (a) The Resources Agency is hereby renamed the
7 Natural Resources Agency. The Natural Resources Agency consists
8 of the departments of Forestry and Fire Protection, Conservation,
9 Fish and Wildlife, Boating and Waterways, Parks and Recreation,
10 Resources Recycling and Recovery, and Water Resources; the
11 State Lands Commission; the Colorado River Board; the San
12 Francisco Bay Conservation and Development Commission; the
13 Central Valley Flood Protection Board; the Energy Resources
14 Conservation and Development Commission; the Wildlife
15 Conservation Board; the Delta Protection Commission; the Native
16 American Heritage Commission; the California Conservation
17 Corps; the California Coastal Commission; the State Coastal
18 Conservancy; the California Tahoe Conservancy; the Santa Monica
19 Mountains Conservancy; the Coachella Valley Mountains
20 Conservancy; the San Joaquin River Conservancy; the San Gabriel
21 and Lower Los Angeles Rivers and Mountains Conservancy; the
22 Baldwin Hills Conservancy; the San Diego River Conservancy;
23 and the Sierra Nevada Conservancy.

24 (b) No existing supplies, forms, insignias, signs, or logos shall
25 be destroyed or changed as a result of changing the name of the
26 Resources Agency to the Natural Resources Agency, and those
27 materials shall continue to be used until exhausted or unserviceable.