

Introduced by Senator PavleyFebruary 21, 2012

An act to amend Section 713, 714, 3031, 6596, 6596.1, 7149, and 7149.05 of the Fish and Game Code, and to amend Section 65042 of the Government Code, relating to fish and wildlife resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1148, as introduced, Pavley. Fish and Game Commission.

(1) 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 hunting and fishing licenses, stamps, permits, and tags. Under existing law, the department issues lifetime sportsman's licenses, hunting licenses, sport fishing ocean enhancement stamps, commercial fishing ocean enhancement stamps, commercial fishing ocean enhancement validations, sport fishing ocean enhancement validations, and sport fishing licenses, and existing law establishes base fees for those entitlements, adjusted annually pursuant to the index.

This bill would require the Fish and Game Commission to establish base fees for lifetime sportsman's licenses, hunting licenses, sport fishing ocean enhancement stamps and validations, commercial fishing ocean enhancement stamps and validations, and sport fishing licenses for the 2013 license year, and would require those fees to be adjusted annually thereafter according to the index. The bill would require the commission to issue lifetime sportsman's licenses.

(2) Existing law relating to the Office of Planning and Research requires every officer, agency, department, or instrumentality of state government to cooperate in the preparation and maintenance of the State Environmental Goals and Policy Report and to ensure that their

entity’s functional plan is consistent with specified state planning priorities and annually demonstrate, when requesting infrastructure as specified, how the plans are consistent with those priorities. Existing law requires those entities to comply with any request for advice, assistance, information, or other material.

This bill would specify that the subject entities include certain trustee agencies.

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. The Legislature finds and declares the following:
- 2 (a) In 2010, the Legislature passed and the Governor signed
- 3 Assembly Bill 2376, which established a process to develop a
- 4 strategic vision for the Department of Fish and Game and the Fish
- 5 and Game Commission.
- 6 (b) Pursuant to Assembly Bill 2376, the Natural Resources
- 7 Agency appointed an executive committee, a blue ribbon
- 8 commission, and a broad-based stakeholder group, and established
- 9 a public process that is focused on improving and enhancing the
- 10 capacity of both the department and the commission to protect and
- 11 manage California’s fish 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.
- 18 (d) Assembly Member Huffman and Senator Pavley, as the
- 19 policy chairs in their respective houses of committees with subject
- 20 matter jurisdiction, will cooperate with proposed legislation that
- 21 will address many of the draft recommendations of the California
- 22 Fish and Wildlife Strategic Vision and other reforms necessary to
- 23 satisfy the mandate of Assembly Bill 2376. Some of the content
- 24 of the proposed legislation reflects suggestions contained in the
- 25 draft interim strategic vision report released by the department and
- 26 the commission on November 22, 2011. Each bill may be amended
- 27 from time to time to reflect additional recommendations.

1 (e) It is the intent of the Legislature to focus more of the work
2 of the commission on the implementation of the state's hunting
3 and fishing and other wildlife-related regulations and the
4 professional administration of those laws. Several fees related to
5 hunting and fishing should therefore be reassigned from the
6 department to the commission. It is also the intent of the Legislature
7 to enhance the ability of the department to focus on the
8 management and administration of its lands, its enforcement
9 responsibilities, the conservation programs entrusted to it, and
10 enhancing the scientific basis of conservation decisions made in
11 California.

12 SEC. 2. Section 713 of the Fish and Game Code is amended
13 to read:

14 713. (a) The changes in the Implicit Price Deflator for State
15 and Local Government Purchases of Goods and Services, as
16 published by the United States Department of Commerce, shall
17 be used as the index to determine an annual rate of increase or
18 decrease in the fees for licenses, stamps, permits, tags, or other
19 entitlements issued by the department.

20 (b) (1) The department shall determine the change in the
21 Implicit Price Deflator for State and Local Government Purchases
22 of Goods and Services, as published by the United States
23 Department of Commerce, for the quarter ending March 31 of the
24 current year compared to the quarter ending March 31 of the
25 previous year. The relative amount of the change shall be
26 multiplied by the current fee for each license, stamp, permit, tag,
27 or other entitlement issued by the department. ~~The~~

28 (2) ~~The~~ product shall be rounded to the nearest twenty-five cents
29 (\$0.25), and the resulting amount shall be added to the fee for the
30 current year. The resulting amount shall be the fee for the license
31 year beginning on or after January 1 of the next succeeding
32 calendar year for the license, stamp, permit, tag, or other
33 entitlement that is adjusted under this section.

34 (c) Notwithstanding any other provision of law, the department
35 may recalculate the current fees charged for each license, stamp,
36 permit, tag, or other entitlement issued by the department, to
37 determine that all appropriate indexing has been included in the
38 current fees. This section shall apply to all licenses, stamps,
39 permits, tags, or other entitlements, that have not been increased
40 each year since the base year of the 1985–86 fiscal year.

1 (d) *The commission, with respect to any license, stamp, permit,*
 2 *tag, or other entitlement issued by the commission shall comply*
 3 *with subdivisions (a) to (c), inclusive.*

4 ~~(d)~~

5 (e) *The calculations provided for in this section shall be reported*
 6 *to the Legislature with the Governor’s Budget Bill.*

7 ~~(e)~~

8 (f) *The Legislature finds that all revenues generated by fees for*
 9 *licenses, stamps, permits, tags, and other entitlements, computed*
 10 *under this section and used for the purposes for which they were*
 11 *imposed, are not subject to Article XIII B of the California*
 12 *Constitution.*

13 ~~(f)~~

14 (g) *The department and the commission shall, at least every five*
 15 *years, analyze all fees for licenses, stamps, permits, tags, and other*
 16 *entitlements issued by it to ensure the appropriate fee amount is*
 17 *charged. Where appropriate, the department shall recommend to*
 18 *the Legislature or the commission that fees established by the*
 19 *commission or the Legislature be adjusted to ensure that those fees*
 20 *are appropriate.*

21 SEC. 3. *Section 714 of the Fish and Game Code is amended*
 22 *to read:*

23 714. (a) ~~In addition to Section 3031, 3031.2, 7149, 7149.05,~~
 24 ~~or 7149.2 and notwithstanding Section 3037, the department~~ *The*
 25 *commission shall issue lifetime sportsman’s licenses pursuant to*
 26 *this section. A lifetime sportsman’s license authorizes the taking*
 27 *of birds, mammals, fish, reptiles, or amphibia anywhere in this*
 28 *state in accordance with law for purposes other than profit for the*
 29 *life of the person to whom issued unless revoked for a violation*
 30 *of this code or regulations adopted pursuant to this code. A lifetime*
 31 *sportsman’s license is not transferable. A lifetime sportsman’s*
 32 *license does not include any special tags, stamps, or other*
 33 *entitlements.*

34 (b) *A lifetime sportsman’s license may be issued to residents,*
 35 *as follows:*

36 (1) *To a person 62 years of age or over upon payment of a base*
 37 ~~*fee of seven hundred thirty dollars (\$730) as determined pursuant*~~
 38 ~~*to subdivision (g).*~~

1 (2) To a person 40 years of age or over and less than 62 years
2 of age upon payment of a base fee of ~~one thousand eighty dollars~~
3 ~~(\$1,080)~~ *as determined pursuant to subdivision (g).*

4 (3) To a person 10 years of age or over and less than 40 years
5 of age upon payment of a base fee of ~~one thousand two hundred~~
6 ~~dollars (\$1,200)~~ *as determined pursuant to subdivision (g).*

7 (4) To a person less than 10 years of age upon payment of a
8 base fee of ~~seven hundred thirty dollars (\$730)~~ *as determined*
9 *pursuant to subdivision (g).*

10 (c) This section does not require a person less than 16 years of
11 age to obtain a license to take fish, reptiles, or ~~amphibia~~ *amphibians*
12 for purposes other than profit or to obtain a license to take birds
13 or mammals, except as required by law.

14 (d) This section does not exempt an applicant for a license from
15 meeting other qualifications or requirements otherwise established
16 by law for the privilege of sport hunting or sport fishing.

17 (e) Upon payment of a base fee of ~~four hundred forty-five dollars~~
18 ~~(\$445)~~ *as determined pursuant to subdivision (g)*, a person holding
19 a lifetime hunting license or lifetime sportsman's license shall be
20 issued annually one deer tag application pursuant to subdivision
21 (a) of Section 4332 and five wild pig tags issued pursuant to
22 Section 4654. Lifetime privileges issued pursuant to this
23 subdivision are not transferable.

24 (f) Upon payment of a base fee of ~~two hundred ten dollars (\$210)~~
25 *as determined pursuant to subdivision (g)*, a person holding a
26 lifetime hunting license or lifetime sportsman's license shall be
27 entitled annually to the privileges afforded to a person holding a
28 state duck stamp or validation issued pursuant to Section 3700 or
29 3700.1 and an upland game bird stamp or validation issued
30 pursuant to Section 3682 or 3682.1. Lifetime privileges issued
31 pursuant to this subdivision are not transferable.

32 (g) *The commission shall establish base fees for lifetime*
33 *sportsman's licenses described in this section in an amount*
34 *sufficient to recover all reasonable administrative and*
35 *implementation costs of the department and commission relating*
36 *to those licenses.* The base fees specified in this section are
37 applicable commencing January 1, ~~2004~~ 2013, and shall be adjusted
38 annually thereafter pursuant to Section 713.

39 SEC. 4. Section 3031 of the Fish and Game Code is amended
40 to read:

1 3031. (a) A hunting license, granting the privilege to take birds
2 and mammals, shall be issued to any of the following:

3 (1) A resident of this state, 16 years of age or older, upon the
4 payment of a base fee of ~~thirty-one dollars and twenty-five cents~~
5 ~~(\$31.25)~~ *as determined pursuant to subdivision (b)*.

6 (2) A resident or nonresident, who is under 16 years of age on
7 July 1 of the licensing year, upon the payment of a base fee of
8 ~~eight dollars and twenty-five cents (\$8.25)~~ *as determined pursuant*
9 *to subdivision (b)*, regardless of whether that person applies before
10 or after July 1 of that year.

11 (3) A nonresident, 16 years of age or older, upon the payment
12 of a base fee of ~~one hundred eight dollars and fifty cents (\$108.50)~~
13 *as determined pursuant to subdivision (b)*.

14 (4) A nonresident, 16 years of age or older, valid only for two
15 consecutive days upon payment of the fee set forth in paragraph
16 (1). A license issued pursuant to this paragraph is valid only for
17 taking resident and migratory game birds, resident small game
18 mammals, fur-bearing mammals, and nongame mammals, as
19 defined in this code or in regulations adopted by the commission.

20 (5) A nonresident, valid for one day and only for the taking of
21 domesticated game birds and pheasants while on the premises of
22 a licensed game bird club, or for the taking of domesticated
23 migratory game birds in areas licensed for shooting those birds,
24 upon the payment of a base fee of ~~fifteen dollars (\$15)~~ *as*
25 *determined pursuant to subdivision (b)*.

26 (b) *The commission shall establish base fees for hunting licenses*
27 *described in subdivision (a) in an amount sufficient to recover all*
28 *reasonable administrative and implementation costs of the*
29 *department and commission relating to those licenses. The base*
30 *fees specified in this section are applicable to the 2004 2013 license*
31 *year, and shall be adjusted annually thereafter pursuant to Section*
32 *713.*

33 SEC. 5. Section 6596 of the Fish and Game Code is amended
34 to read:

35 6596. (a) In addition to a valid California sport fishing license
36 and any other applicable license stamp issued pursuant to this code,
37 a person taking fish from ocean waters south of a line extending
38 due west from Point Arguello for purposes other than for profit
39 shall have a valid sport fishing ocean enhancement stamp
40 permanently affixed to his or her fishing license. A sport fishing

1 ocean enhancement stamp shall be issued upon payment of a base
2 fee ~~of three dollars and fifty cents (\$3.50)~~ *established by the*
3 *commission in an amount sufficient to recover all reasonable*
4 *administrative and implementation costs of the department and*
5 *commission relating to the stamp.* A sport fishing license issued
6 pursuant to paragraph (4) or (5) of subdivision (a) of Section 7149
7 is not subject to this subdivision.

8 (b) In addition to a valid California commercial passenger
9 fishing boat license issued pursuant to Section 7920, the owner of
10 any boat or vessel who, for profit, permits any person to fish
11 therefrom, south of a line extending due west from Point Arguello,
12 shall have a valid commercial fishing ocean enhancement stamp
13 issued for that vessel that has not been suspended or revoked.

14 (c) Any person who takes, possesses aboard a boat, or lands any
15 white sea bass for commercial purposes, south of a line extending
16 due west from Point Arguello, shall have a valid commercial
17 fishing ocean enhancement stamp issued to that person that has
18 not been suspended or revoked.

19 ~~(d) The base fee for a commercial fishing ocean enhancement~~
20 ~~stamp is thirty-five dollars (\$35).~~

21 *(d) The commission shall establish a base fee for a commercial*
22 *fishing ocean enhancement stamp in an amount sufficient to*
23 *recover all reasonable administrative and implementation costs*
24 *of the department and commission relating to the stamp.*

25 (e) This section does not apply to licenses, permits, reservations,
26 tags, or other entitlements issued through the Automated License
27 Data System.

28 (f) The base fees specified in this section are applicable to the
29 ~~2004~~ 2013 license year, and shall be adjusted annually thereafter
30 pursuant to Section 713.

31 SEC. 6. Section 6596.1 of the Fish and Game Code is amended
32 to read:

33 6596.1. (a) In addition to a valid California sport fishing
34 license and any other applicable license validation issued pursuant
35 to this code, a person taking fish from ocean waters south of a line
36 extending due west from Point Arguello for purposes other than
37 for profit shall have a valid sport fishing ocean enhancement
38 validation permanently affixed to his or her fishing license. A sport
39 fishing ocean enhancement validation shall be issued upon payment
40 of a base fee ~~of three dollars and fifty cents (\$3.50)~~ *established by*

1 *the commission in an amount sufficient to recover all reasonable*
 2 *administrative and implementation costs of the department and*
 3 *commission relating to the validation.* A sport fishing license issued
 4 pursuant to paragraph (4) or (5) of subdivision (a) of Section
 5 7149.05 is not subject to this subdivision.

6 (b) In addition to a valid California commercial passenger
 7 fishing boat license issued pursuant to Section 7920, the owner of
 8 any boat or vessel who, for profit, permits any person to fish
 9 therefrom, south of a line extending due west from Point Arguello,
 10 shall have a valid commercial fishing ocean enhancement
 11 validation issued for that vessel that has not been suspended or
 12 revoked.

13 (c) Any person who takes, possesses aboard a boat, or lands any
 14 white sea bass for commercial purposes south of a line extending
 15 due west from Point Arguello, shall have a valid commercial
 16 fishing ocean enhancement validation issued to that person that
 17 has not been suspended or revoked.

18 ~~(d) The base fee for a commercial ocean fishing enhancement~~
 19 ~~validation is thirty-five dollars (\$35).~~

20 *(d) The commission shall establish a base fee for a commercial*
 21 *fishing ocean enhancement validation in an amount sufficient to*
 22 *recover all reasonable administrative and implementation costs*
 23 *of the department and commission relating to the validation.*

24 (e) This section applies only to licenses, permits, reservations,
 25 tags, and other entitlements issued through the Automated License
 26 Data System.

27 (f) The base fees specified in this section are applicable to the
 28 ~~2004~~ 2013 license year, and shall be adjusted annually thereafter
 29 pursuant to Section 713.

30 SEC. 7. Section 7149 of the Fish and Game Code is amended
 31 to read:

32 7149. (a) A sport fishing license granting the privilege to take
 33 any fish, reptile, or amphibia anywhere in this state for purposes
 34 other than profit shall be issued to any of the following:

35 (1) A resident 16 years of age or older, for the period of a
 36 calendar year, or, if issued after the beginning of the year, for the
 37 remainder thereof, upon payment of a base fee of ~~thirty-one dollars~~
 38 ~~and twenty-five cents (\$31.25)~~ *as determined pursuant to*
 39 *subdivision (d).*

1 (2) A nonresident, 16 years of age or older, for the period of a
2 calendar year, or, if issued after the beginning of the year, for the
3 remainder thereof, upon payment of a base fee of ~~eighty-four~~
4 ~~dollars (\$84)~~ *as determined pursuant to subdivision (d).*

5 (3) A nonresident, 16 years of age or older, for the period of 10
6 consecutive days beginning on the date specified on the license
7 upon payment of the fee set forth in paragraph (1).

8 (4) A resident or nonresident, 16 years of age or older, for two
9 consecutive designated calendar days, upon payment of half of the
10 fee set forth in paragraph (1). Notwithstanding Section 1053, more
11 than one two-day license issued for different two-day periods may
12 be issued to, or possessed by, a person at one time.

13 (5) A resident or nonresident, 16 years of age or older, for one
14 designated day, upon payment of a base fee of ~~ten dollars (\$10)~~
15 *as determined pursuant to subdivision (d).*

16 (b) California sport fishing license stamps shall be issued by
17 authorized license agents in the same manner as sport fishing
18 licenses, and no compensation may be paid to the authorized
19 license agent for issuing the stamps except as provided in Section
20 1055.

21 (c) This section does not apply to licenses, permits, reservations,
22 tags, or other entitlements issued through the Automated License
23 Data System.

24 (d) *The commission shall establish base fees for sport fishing*
25 *licenses described in subdivision (a) in an amount sufficient to*
26 *recover all reasonable administrative and implementation costs*
27 *of the department and commission relating to those licenses.* The
28 base fees specified in this section are applicable to the ~~2004~~ 2013
29 license year, and shall be adjusted annually thereafter pursuant to
30 Section 713.

31 SEC. 8. Section 7149.05 of the Fish and Game Code is
32 amended to read:

33 7149.05. (a) A sport fishing license granting the privilege to
34 take any fish, reptile, or amphibia anywhere in this state for
35 purposes other than profit shall be issued to any of the following:

36 (1) A resident, 16 years of age or older, for the period of a
37 calendar year, or, if issued after the beginning of the year, for the
38 remainder thereof, upon payment of a base fee of ~~thirty-one dollars~~
39 ~~and twenty-five cents (\$31.25)~~ *as determined pursuant to*
40 *subdivision (d).*

1 (2) A nonresident, 16 years of age or older, for the period of a
2 calendar year, or, if issued after the beginning of the year, for the
3 remainder thereof, upon payment of a base fee ~~of eighty-four~~
4 ~~dollars (\$84)~~ *as determined pursuant to subdivision (d).*

5 (3) A nonresident, 16 years of age or older for the period of 10
6 consecutive days beginning on the date specified on the license
7 upon payment of the fee set forth in paragraph (1).

8 (4) A resident or nonresident, 16 years of age or older, for two
9 designated days, upon payment of half the fee set forth in paragraph
10 (1). Notwithstanding Section 1053, more than one single day
11 license issued for different days may be issued to, or possessed
12 by, a person at one time.

13 (5) A resident or nonresident, 16 years of age or older, for one
14 designated day upon payment of a base fee ~~of ten dollars (\$10)~~ *as*
15 *determined pursuant to subdivision (d).*

16 (b) California sport fishing license validations shall be issued
17 by authorized license agents in the same manner as sport fishing
18 licenses, and no compensation shall be paid to the authorized
19 license agent for issuing the validations except as provided in
20 Section 1055.1.

21 (c) This section applies only to licenses, permits, reservations,
22 tags, and other entitlements issued through the Automated License
23 Data System.

24 (d) *The commission shall establish base fees for sport fishing*
25 *licenses described in subdivision (a) in an amount sufficient to*
26 *recover all reasonable administrative and implementation costs*
27 *of the department and commission relating to those licenses.* The
28 base fees specified in this section are applicable to the ~~2004~~ 2013
29 license year, and shall be adjusted annually thereafter pursuant to
30 Section 713.

31 SEC. 9. Section 65042 of the Government Code is amended
32 to read:

33 65042. Every officer, agency, department, or instrumentality
34 of state government, *including, but not limited to, all trustee*
35 *agencies as defined in Section 21070 of the Public Resources Code,*
36 shall do all of the following:

37 (a) Cooperate in the preparation and maintenance of the State
38 Environmental Goals and Policy Report.

39 (b) By January 1, 2005, ensure that their entity's functional plan
40 is consistent with the state planning priorities specified pursuant

1 to Section 65041.1 and annually demonstrate to the office, and to
2 the Department of Finance when requesting infrastructure pursuant
3 to subdivision (a) of Section 13102, how the plans are consistent
4 with those priorities.

5 (c) Comply with any request for advice, assistance, information
6 or other material.

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