

AMENDED IN ASSEMBLY AUGUST 20, 2012

AMENDED IN ASSEMBLY JUNE 15, 2012

AMENDED IN SENATE MAY 29, 2012

AMENDED IN SENATE MAY 1, 2012

AMENDED IN SENATE APRIL 18, 2012

SENATE BILL

No. 1166

Introduced by Senator Berryhill

February 22, 2012

An act to amend Sections 331, 332, 3953, 4334, and 4902 of, and to add Sections 708 and 709 to, the Fish and Game Code, relating to wildlife resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1166, as amended, Berryhill. Department of Fish and Game: Big Game Management Account funds.

Existing law requires all money collected under the Fish and Game Code, including money received as a result of the sale of licenses issued under the code, to be deposited into the Fish and Game Preservation Fund, unless otherwise provided. Existing law authorizes the Department of Fish and Game 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. Existing law establishes 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, including fundraising tags.

This bill would require the department to authorize a nonprofit organization designated by the department, that is associated with the sale of deer, elk, antelope, or bighorn sheep tags that are sold on behalf of the department for the purpose of raising funds for specified programs and projects, to retain ~~the lesser of that organization's administrative costs of selling the tag or 10%~~ a vendor fee of 2% of the amount for which the tag is sold. The bill would make conforming changes to related provisions.

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, by regulation, shall 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
19 addition to moneys budgeted for salaries of persons in the
20 department as set forth in Section 3953.

21 (c) The commission shall direct the department to annually
22 authorize not less than one antelope tag or more than 1 percent of
23 the total number of tags available for the purpose of raising funds
24 for programs and projects to benefit antelope. These tags may be
25 sold at auction to residents or nonresidents of the state or by another
26 method and are not subject to the fee limitation prescribed in
27 subdivision (b). Except as provided in Section 709, all revenues

1 from sales pursuant to this subdivision shall be deposited in the
2 Big Game Management Account established in Section 3953 and,
3 upon appropriation by the Legislature, shall be expended as set
4 forth in that section.

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

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

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

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

21 (c) The department may issue an elk tag upon payment of a fee.
22 The fee for a tag shall be one hundred sixty-five dollars (\$165) for
23 a resident of the state, as adjusted under Section 713. On or before
24 July 1, 2007, the commission, by regulation, shall fix the fee for
25 a nonresident of the state at not less than one thousand fifty dollars
26 (\$1,050), as adjusted under Section 713. The fees shall be deposited
27 in the Big Game Management Account established in Section 3953
28 and, upon appropriation by the Legislature, shall be expended, in
29 addition to moneys budgeted for salaries of the department, as set
30 forth in Section 3953.

31 (d) The commission shall annually direct the department to
32 authorize not more than three elk hunting tags for the purpose of
33 raising funds for programs and projects to benefit elk. These tags
34 may be sold at auction to residents or nonresidents of the state or
35 by another method and are not subject to the fee limitation
36 prescribed in subdivision (c). Except as provided in Section 709,
37 *all* revenues from sales pursuant to this subdivision shall be
38 deposited in the Big Game Management Account established in
39 Section 3953 and, upon appropriation by the Legislature, shall be
40 expended as set forth in that section.

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

4 SEC. 3. Section 708 is added to the Fish and Game Code, to
5 read:

6 708. The Legislature hereby finds and declares all of the
7 following:

8 (a) The National Survey of Fishing, Hunting, and
9 Wildlife-Associated Recreation has been conducted since 1955
10 and is one of the oldest and most comprehensive continuing
11 recreation surveys.

12 (b) The 2006 National Survey of Fishing, Hunting, and
13 Wildlife-Associated Recreation found all of the following:

14 (1) Eighty-seven million five hundred thousand United States
15 residents 16 years of age and older participated in
16 wildlife-dependent recreation.

17 (2) Individuals participating in wildlife-dependent recreation
18 spent one hundred twenty-two billion three hundred million dollars
19 (\$122,300,000,000) in 2006 on their activities, which equated to
20 1 percent of the gross domestic product.

21 (3) Hunters and anglers spent seventy-six billion six hundred
22 million dollars (\$76,600,000,000), while wildlife viewers spent
23 forty-five billion seven hundred million dollars (\$45,700,000,000).

24 (4) Seven million four hundred thousand California residents
25 and nonresidents 16 years of age and older fished, hunted, or
26 viewed wildlife in this state.

27 (5) State residents and nonresidents spent ~~\$8~~ *eight billion dollars*
28 (*\$8,000,000,000*) on wildlife-dependent recreation in this state.

29 (c) The department reported that, in 2006, hunters and anglers
30 spent seventy-eight million dollars (\$78,000,000) on licenses,
31 stamps, tags, and access fees.

32 (d) ~~Revenue~~ *Revenues* generated by wildlife-dependent
33 recreational activities ~~plays~~ *play* an exceedingly important role in
34 California's economy.

35 (e) ~~Revenue~~ *Revenues* generated by hunters ~~is~~ *are* critical to the
36 department's ability to protect, enhance, and manage wildlife
37 habitat.

38 SEC. 4. Section 709 is added to the Fish and Game Code, to
39 read:

1 709. ~~(a)~~ The department shall authorize a nonprofit
2 organization designated by the department, that is associated with
3 the sale of deer, elk, antelope, or bighorn sheep fundraising tags
4 that are sold on behalf of the department for the purpose of raising
5 funds for specified programs and projects pursuant to subdivision
6 (c) of Section 331, subdivision (d) of Section 332, subdivision (a)
7 of Section 4334, or subdivision (d) of Section 4902, to retain ~~the~~
8 ~~lesser of that organization's administrative costs of selling the tag~~
9 ~~or 10 a vendor fee of 2 percent of the amount for which the tag is~~
10 sold.

11 ~~(b)~~ The total amount retained from a sale pursuant to subdivision
12 ~~(a)~~ shall not exceed the lesser of the administrative costs of that
13 sale or 10 percent of the amount of the sale.

14 SEC. 5. Section 3953 of the Fish and Game Code is amended
15 to read:

16 3953. (a) The Big Game Management Account is hereby
17 established within the Fish and Game Preservation Fund.

18 (b) Except as provided in Section 709, all revenues from the
19 sale of antelope, elk, deer, wild pig, bear, and sheep tags, including
20 any fundraising tags, shall be deposited in the Big Game
21 Management Account to allow separate accountability for the
22 receipt and expenditure of these funds.

23 (c) Funds deposited in the Big Game Management Account
24 shall be available for expenditure upon appropriation by the
25 Legislature to the department solely for the purposes described in
26 this section. As the primary purpose of the Big Game Management
27 Account, the department shall expend these funds for the purposes
28 set forth in Sections 3951 and 3952, and Chapter 5 (commencing
29 with Section 450) of Division 1, Chapter 7 (commencing with
30 Section 4650), and Chapter 11 (commencing with Section 4900),
31 including acquiring land, completing projects, and implementing
32 programs to benefit antelope, elk, deer, wild pigs, bear, and sheep,
33 and expanding public hunting opportunities and related public
34 outreach. Any land acquired with funds from the Big Game
35 Management Account shall be acquired in fee title or protected
36 with a conservation easement and, to the extent possible, be open
37 or provide access to the public for antelope, elk, deer, wild pig,
38 bear, or sheep hunting. The department may also use funds from
39 the Big Game Management Account to pay for administrative and
40 enforcement costs of the programs and activities described in this

1 section. The amount allocated from the account for administrative
2 costs shall be limited to the reasonable costs associated with
3 administration of the programs and activities described in this
4 section.

5 (d) The department may make grants to, reimburse, or enter
6 into contracts or other agreements as defined in subdivision (a) of
7 Section 1571 with, nonprofit organizations for the use of the funds
8 from the Big Game Management Account to carry out the purposes
9 of this section, including related habitat conservation projects.

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

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

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

28 SEC. 6. Section 4334 of the Fish and Game Code is amended
29 to read:

30 4334. (a) The commission shall annually direct the department
31 to authorize, pursuant to Section 1054.8, the sale of not more than
32 10 deer tags for the purpose of raising funds for programs and
33 projects as set forth in Section 3953. Except as provided in Section
34 709, ~~all revenue~~ *revenues* from the sale of tags pursuant to this
35 section shall be deposited in the Big Game Management Account
36 established in Section 3953 and, upon appropriation by the
37 Legislature, shall be expended as set forth in that section.

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

1 (c) These funds shall augment, not supplant, any other funds
2 appropriated to the department for the preservation, restoration,
3 utilization, and management of deer. The seller shall remit all
4 revenues derived from the sale of these tags to the department.

5 SEC. 7. Section 4902 of the Fish and Game Code is amended
6 to read:

7 4902. (a) The commission may adopt all regulations necessary
8 to provide for biologically sound management of Nelson bighorn
9 sheep (subspecies *Ovis canadensis nelsoni*).

10 (b) (1) After the plans developed by the department pursuant
11 to Section 4901 for the management units have been submitted,
12 the commission may authorize sport hunting of mature Nelson
13 bighorn rams. Before authorizing the sport hunting, the commission
14 shall take into account the Nelson bighorn sheep population
15 statewide, including the population in the management units
16 designated for hunting.

17 (2) Notwithstanding Section 219, the commission shall not
18 adopt regulations authorizing the sport hunting in a single year of
19 more than 15 percent of the mature Nelson bighorn rams in a single
20 management unit, based on the department's annual estimate of
21 the population in each management unit.

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

28 (d) The commission shall annually direct the department to
29 authorize not more than three of the tags available for issuance
30 that year to take Nelson bighorn rams for the purpose of raising
31 funds for programs and projects to benefit Nelson bighorn sheep.
32 These tags may be sold to residents or nonresidents of the State
33 of California at auction or by another method and are not subject
34 to the fee limitation prescribed in subdivision (c). Commencing
35 with tags sold for the 1993 hunting season, if more than one tag
36 is authorized, the department shall designate a nonprofit
37 organization organized pursuant to the laws of this state, or the
38 California chapter of a nonprofit organization organized pursuant
39 to the laws of another state, as the seller of not less than one of
40 these tags. The number of tags authorized for the purpose of raising

1 funds pursuant to this subdivision, if more than one, shall not
2 exceed 15 percent of the total number of tags authorized pursuant
3 to subdivision (b). Except as provided in Section 709, all ~~revenue~~
4 *revenues* from the sale of tags pursuant to this subdivision shall
5 be deposited in the Big Game Management Account established
6 in Section 3953 and, upon appropriation by the Legislature, shall
7 be expended as set forth in that section.

8 (e) A tag issued pursuant to this section shall not be valid unless
9 and until the licensee has successfully completed a prehunt hunter
10 familiarization and orientation and has demonstrated to the
11 department that he or she is familiar with the requisite equipment
12 for participating in the hunting of Nelson bighorn rams, as
13 determined by the commission. The department shall conduct
14 orientation at convenient locations and times preceding each
15 season, as determined by the commission.