

AMENDED IN SENATE MAY 29, 2012
AMENDED IN SENATE APRIL 17, 2012
AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1249

Introduced by Senator Wolk

February 23, 2012

An act to amend Section 13100 of, and to add Chapter 7.4 (commencing with Section 1745) to Division 2 of, the Fish and Game Code, relating to fish and wildlife resources, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1249, as amended, Wolk. Department of Fish and Game: lands: expenditures.

(1) Existing law requires the Department of Fish and Game to operate lands, or lands and water, acquired for public shooting grounds, state marine recreational management areas, or wildlife management areas on a nonprofit basis (collectively, department-operated lands). Existing law states that multiple recreational use of wildlife management areas is desirable and requires the Fish and Game Commission to encourage multiple recreational use. Existing law authorizes the commission to determine and fix the amount of, and authorizes the department to collect, fees for any use privileges. Existing law restricts shooting permits for department-operated lands to persons holding valid hunting licenses. Existing law, except as expressly provided, makes any violation of the Fish and Game Code, or any rule, regulation, or order made or adopted under that code, a misdemeanor.

This bill would authorize the department to enter into contracts or other agreements with nonprofit conservation groups, as specified, for the management and operation of department-managed lands, defined to include public shooting grounds, state marine recreational management areas, ecological reserves, and wildlife management areas. The bill would state that hunting, fishing, wildlife viewing, wildlife photography, conservation education, and fish and wildlife research are the priority uses compatible with department-managed lands, and would allow the department to authorize by regulation other public uses. The bill would authorize the department to require the purchase of a special use permit for those other public uses. The bill, commencing January 1, ~~2014~~ 2015, would require the purchase of an entry permit, as specified, for access to department-managed lands for uses other than hunting and fishing, except as provided. The bill would make the failure to obtain a permit an infraction, as specified. The bill would require moneys generated by these provisions to be deposited in the *Native Species Conservation and Enhancement Account of the Fish and Game Preservation Fund*, and ~~would continuously appropriate those funds for~~ *would be available, upon appropriation by the Legislature, to the department to use for the management and operation of its lands, thereby making an appropriation.* The bill would require, *to the extent that the department is able to identify the source of the fee revenue collected,* the department to provide no less than 35% of the funds generated by these provisions to the department-managed lands from which the fee revenues were collected.

(2) Existing law requires specified fines and penalties paid to and retained in the county treasury to be deposited in a county fish and wildlife propagation fund and expended for the protection, conservation, propagation, and preservation of fish and wildlife, under the direction of the county board of supervisors. Existing law limits expenditures from the fish and wildlife propagation fund of a county for specified purposes.

This bill would require all proposed expenditures from a county fish and wildlife propagation fund to be reviewed first at a regular meeting of the county board of supervisors or its designated county fish and game commission to ensure compliance with those specified expenditure purposes. The bill would find and declare that these provisions are an issue of statewide concern and not a municipal affair, as specified. By imposing new duties on counties, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Chapter 7.4 (commencing with Section 1745) is
2 added to Division 2 of the Fish and Game Code, to read:

3
4 CHAPTER 7.4. DEPARTMENT-MANAGED LANDS
5

6 1745. (a) For purposes of this section, “department-managed
7 lands” includes lands, or lands and water, acquired for public
8 shooting grounds, state marine (estuarine) recreational management
9 areas, ecological reserves, and wildlife management areas.

10 (b) (1) Department-managed lands shall be operated on a
11 nonprofit basis by the department. ~~The~~

12 (2) *The department may enter into contracts or other agreements
13 for the management and operation of department-managed lands
14 with nonprofit conservation groups, recognized under Section
15 501(c) of the Internal Revenue Code, ~~for the management and
16 operation of department-managed lands or resource conservation
17 districts, as described in Chapter 3 (commencing with Section
18 9151) of Division 9 of the Public Resources Code.~~The*

19 (A) *The contracts or other agreements authorized pursuant to
20 this section paragraph are not subject to Part 2 (commencing with
21 Section 10100) of Division 2 of the Public Contract Code or Article
22 6 (commencing with Section 999) of Chapter 6 of Division 4 of
23 the Military and Veterans Code.*

24 (B) *The contracts or other agreements authorized pursuant to
25 this paragraph shall adhere to the goals and objectives included
26 in a management plan approved pursuant to Section 1764 and
27 shall be consistent with the purpose for which the lands were*

1 *acquired and managed by the department. Any changes to the*
2 *management plan shall be subject to public review and comment.*

3 (c) Multiple recreational use of department-managed lands is
4 desirable and that use shall be encouraged by the commission.
5 Except for hunting and fishing purposes, only minimum facilities
6 to permit other forms of multiple recreational use, such as camping,
7 picnicking, boating, or swimming, shall be provided.

8 (d) (1) Hunting, fishing, wildlife viewing, wildlife photography,
9 conservation education, and fish and wildlife research are the
10 priority uses compatible with department-managed lands.

11 (2) Public uses of department-managed lands not listed in
12 paragraph (1) or subdivision (c) shall be authorized by regulations
13 adopted by the ~~department~~ *commission*. The ~~department~~
14 *commission* may require the purchase of a special use permit for
15 these other uses.

16 (e) (1) Except as provided in Section 1765 and paragraph (2),
17 and to defray the costs associated with multiple use, the
18 commission may determine and fix the amount of, and the
19 department shall collect, fees for any use privileges. Only persons
20 holding valid hunting licenses may apply for or obtain shooting
21 permits for department-managed lands.

22 (2) *The commission may continue to allow free access to a*
23 *department-managed land if the commission finds that the best*
24 *interests of that area would be served by not fixing a fee for use*
25 *privileges.*

26 (f) Commencing January 1, ~~2014~~ 2015, the purchase of an entry
27 permit through the Automated License Data System or other means,
28 as determined by the department, shall be required to access all
29 department-managed lands for uses other than hunting and fishing.
30 The user shall have the entry permit in his or her immediate
31 possession while on department-managed lands. Failure to obtain
32 a permit for uses listed in paragraph (1) of subdivision ~~(e)~~ (d) or
33 as required by regulations adopted by the ~~department~~ *commission*
34 pursuant to paragraph (2) of subdivision ~~(e)~~ (d) shall be an
35 infraction as described in Section 12002.2.1. A person in possession
36 of a valid hunting license, a sport fishing license, or a trapping
37 license shall be exempt from the payment of an entry permit fee.

38 ~~Notwithstanding Section 13340 of the Government Code,~~
39 ~~the~~ *The moneys generated pursuant to this section shall be*
40 *deposited in the Native Species Conservation and Enhancement*

1 *Account within the Fish and Game Preservation Fund, and are*
2 ~~hereby continuously appropriated~~ *shall be available, upon*
3 *appropriation by the Legislature, to the department for the*
4 *management and operation of its lands. The* ~~To the extent that the~~
5 ~~department is able to identify the source of the fee revenue~~
6 ~~collected, the department shall provide no less than 35 percent of~~
7 ~~the funds generated pursuant to this section to the~~
8 ~~department-managed lands from which the fee revenues were~~
9 ~~collected.~~

10 ~~(h) Notwithstanding subdivision (f), the department may~~
11 ~~continue to allow free access to an area of department-managed~~
12 ~~lands if the department finds that the best interest of that area would~~
13 ~~be served through not collecting the entrance fee.~~

14 SEC. 2. Section 13100 of the Fish and Game Code is amended
15 to read:

16 13100. (a) The amounts paid to and retained in the county
17 treasury pursuant to Sections 12009 and 13003 shall be deposited
18 in a county fish and wildlife propagation fund and expended for
19 the protection, conservation, propagation, and preservation of fish
20 and wildlife, under the direction of the board of supervisors,
21 pursuant to this chapter.

22 (b) All proposed expenditures from a county fish and wildlife
23 propagation fund shall be reviewed first at a regular meeting of
24 the county board of supervisors or its designated county fish and
25 game commission to ensure compliance with Section 13103.

26 SEC. 3. The Legislature finds and declares that Section 2 of
27 this bill is an issue of statewide concern and not a municipal affair,
28 as that term is used in Section 5 of Article XI of the California
29 Constitution.

30 SEC. 4. If the Commission on State Mandates determines that
31 this act contains costs mandated by the state, reimbursement to
32 local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.