

AMENDED IN ASSEMBLY MARCH 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1097**

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**Introduced by Assembly Member Nestande**

February 22, 2013

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An act to amend ~~Section 700~~ *Sections 700 and 1587* of the Fish and Game Code, relating to fish and ~~game~~ *wildlife*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1097, as amended, Nestande. Department of Fish and Wildlife: primary function.

**Existing**

(1) *Existing* law establishes the Department of Fish and Wildlife in the Natural Resources Agency.

This bill would state that the primary function of the department is to provide services to persons who fish and hunt in the state.

(2) *Existing* law requires, until January 1, 2018, that the Mirage Trail within the Magnesia Spring Ecological Reserve be open 9 months of the year to recreational hiking, if the commission determines that specified conditions are met.

*This bill would specify the 9 months of the year that the trail would be open as May to January, inclusive, and the 3 months that the trail would be closed as February to April, inclusive.*

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

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

1 SECTION 1. Section 700 of the Fish and Game Code is  
2 amended to read:

3 700. (a) There is in the Natural Resources Agency a  
4 Department of Fish and Wildlife administered through the director.  
5 The primary function of the department is to provide services to  
6 persons who fish and hunt in the state.

7 (b) The Department of Fish and Wildlife shall succeed to, and  
8 is vested with, all the duties, powers, purposes, responsibilities,  
9 property, and jurisdiction previously vested in the Department of  
10 Fish and Game.

11 (c) ~~Whenever~~ *When* the term “Department of Fish and Game”  
12 appears in a law, ~~the~~ *that* term means the “Department of Fish and  
13 Wildlife.”

14 (d) ~~No existing~~ *Existing* supplies, forms, insignias, signs, logos,  
15 uniforms, or emblems shall *not* be destroyed or changed as a result  
16 of changing the name of the Department of Fish and Game to the  
17 Department of Fish and Wildlife, and those materials shall continue  
18 to be used until exhausted or unserviceable.

19 *SEC. 2. Section 1587 of the Fish and Game Code is amended*  
20 *to read:*

21 1587. (a) The Mirage Trail within the Magnesia Spring  
22 Ecological Reserve shall be open nine months of the year *during*  
23 *the months of May to January, inclusive, and closed for three*  
24 *months during the months of February to April, inclusive,* to  
25 recreational hiking, if the commission determines that *all of* the  
26 following conditions are met:

27 (1) Local public agencies or other entities will assume complete  
28 financial responsibility for the following as determined to be  
29 necessary by the commission:

30 (A) Fencing to dissuade hikers from traversing beyond the trail  
31 and into sensitive Peninsular bighorn sheep habitat.

32 (B) Signage and educational materials to educate hikers about  
33 Peninsular bighorn sheep.

34 (2) A single entity has been designated to fulfill the financial  
35 arrangements and other terms and conditions determined by the  
36 commission to be necessary pursuant to paragraph (1).

1 (b) The commission shall determine seasonal openings and  
2 closures of the trail that will not conflict with the use of the area  
3 by Peninsular bighorn sheep, consistent with subdivision (a).

4 (c) This section shall remain in effect only until January 1, 2018,  
5 and as of that date is repealed, unless a later enacted statute, that  
6 is enacted before January 1, 2018, deletes or extends that date.

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