

AMENDED IN ASSEMBLY APRIL 2, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2105

Introduced by Assembly Member Frazier

February 20, 2014

An act to amend Sections 3953 and 4902 of, and to add Section 709 to, the Fish and Game Code, relating to mammals.

LEGISLATIVE COUNSEL'S DIGEST

AB 2105, as amended, Frazier. Big game mammals: bighorn sheep.

Existing law, except as provided, prohibits the taking or possession of fully protected mammals or parts of those mammals at any time. Existing law establishes a list of fully protected mammals, including bighorn sheep (*Ovis canadensis*) generally, but excepts Nelson bighorn sheep (subspecies *Ovis canadensis nelsoni*) under specified circumstances.

Existing law requires all money collected under the provisions of the Fish and Game Code, including money received as a result of the sale of licenses issued under the provisions of the code, to be deposited into the Fish and Game Preservation Fund, unless otherwise provided. Existing law grants authority to the Department of Fish and Wildlife to issue tags, stamps, and licenses for the hunting of antelope, elk, deer, wild pigs, bear, and bighorn sheep upon payment of a fee, to be deposited into the Big Game Management Account in the Fish and Game Preservation Fund. Existing law authorizes the Fish and Game Commission to set the cost of a Nelson bighorn ram tag at not more than \$500.

The bill would require the department to authorize a nonprofit organization designated by the department to assist in the sale of these

tags to retain 5% of the amount of the sale price of the tag, plus any applicable credit card fees, as a reasonable vendor fee. *This bill would require the selling nonprofit organization, within 30 days of the date of the sale, to send the department a check for 95% of the total auction sale price of the tag, with an itemized receipt showing the sale price and the 5% reduction retained by the nonprofit organization as a vendor’s fee. This bill would authorize the nonprofit organization, if the buyer of the tag paid with a credit card, to also deduct the amount of the credit card fee from the selling price, provided a documented accounting of the fee is provided.*

The bill would set a Nelson bighorn ram tag at \$400 for residents and would require the commission, on or before July 1, 2015, by regulation, to fix the fee for a nonresident of the state at not less than \$1,500 for the same tag. The bill would subject the price of each tag to an annual specified adjustment.

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 hereby finds and declares all of
- 2 the following:
- 3 (a) The National Survey of Fishing, Hunting, and
- 4 Wildlife-Associated Recreation has been conducted since 1955
- 5 and is one of the oldest and most comprehensive continuing
- 6 recreation surveys.
- 7 (b) A National Survey of Fishing, Hunting, and
- 8 Wildlife-Associated Recreation conducted by the United States
- 9 Fish and Wildlife Service in 2011 found all of the following:
- 10 (1) Over 90,000,000 United States residents 16 years of age and
- 11 older participated in wildlife-dependent recreation.
- 12 (2) Individuals participating in wildlife-dependent recreation
- 13 spent \$145,000,000,000 in 2011 on their activities, which equated
- 14 to 1 percent of the gross domestic product.
- 15 (3) In 2011 alone, hunters and anglers spent \$90,000,000,000
- 16 on equipment, travel, licenses and fees, and other related expenses,
- 17 while wildlife viewers spent \$45,700,000,000.
- 18 (4) According to the California Department of Fish and Wildlife,
- 19 hunters and anglers spend \$3,500,000,000 in California annually.
- 20 In addition, the department reported the following:

1 (5) Spending by hunters and anglers directly supports 56,000
2 jobs in California and generates \$487,500,000 annually in state
3 and local taxes.

4 (6) Hunting and fishing supports more jobs than any employer
5 in California.

6 (7) Jobs supported by hunters and anglers pay California
7 employees more than \$2,300,000,000 in salaries and wages
8 annually.

9 (8) The economic stimulus of hunting and fishing equates to
10 \$18,000,000 each day being pumped into the California economy.

11 (9) Hunter-generated dollars helped purchase and maintain
12 1,000,000 acres of state-owned lands in California.

13 (10) Hunting and fishing license tag and stamp sales generate
14 \$83,000,000 annually for the California Department of Fish and
15 Wildlife's conservation and scientific efforts.

16 (11) Over 700,000 acres of wetland habitat has been restored,
17 enhanced, and protected in California by hunters since 1988.

18 (12) Hunters generate more than \$9,000,000 annually for
19 California via the Pittman-Robertson Federal Aid in Wildlife
20 Restoration Act, federal legislation lobbied for and passed by
21 hunters in 1937.

22 (13) Hunting and angling serve as the cornerstone of the North
23 American Model of Wildlife Conservation, and serve as the
24 primary source of funding for conservation efforts in North
25 America.

26 (14) The desert bighorn sheep is the most coveted and treasured
27 big game animal in the State of California with special hunting
28 tags necessary for their harvest selling at auction for hundreds of
29 thousands of dollars with the revenue going back to the Department
30 of Fish and Wildlife for needed wild sheep habitat projects and
31 research.

32 (15) In 1986, the Legislature fixed the price of both resident
33 and nonresident bighorn desert sheep tags in statute at \$500,
34 without the ability to adjust for inflation or demand, and permits
35 no more than 15 percent of these tags to be auctioned as discussed
36 above.

37 (16) According to the Bureau of Labor Statistics, from October
38 of 1986 to October of 2013, inclusive, the ~~cost-of-living~~ *cost of*
39 *living* has increased by 112 percent. Considering inflation alone,

1 the \$500 tag fee from 1986 should have risen to \$1,060 by 2013
2 based on inflation.

3 (17) As the least plentiful of the four species of wild mountain
4 sheep that inhabit North America, the demand for desert bighorn
5 sheep tags has grown significantly since 1986. In other states,
6 prices for tags for much more abundant wild sheep have risen
7 sharply since 1986.

8 (18) Nonresident desert bighorn sheep tags are available in only
9 six states, making that desert bighorn tag the most difficult to
10 acquire. In 2013, California offered hunters only 20 desert bighorn
11 sheep tags in the public draw. Thirteen thousand four hundred
12 thirty-five hunters applied for those 20 tags, up from 4,628 who
13 applied just 15 years earlier in 1999. Despite the huge increase in
14 demand, the \$500 tag fee has remained unchanged.

15 (19) In 2014, California is charging nonresidents \$1,328 for an
16 elk tag, despite the fact that elk are overwhelmingly abundant
17 across the western United States and Canada. In addition,
18 California has over 300 elk tags available for hunters, 15 times the
19 number of desert bighorn sheep tags.

20 SEC. 2. Section 709 is added to the Fish and Game Code, to
21 read:

22 709. A nonprofit organization designated by the department
23 to assist in the sale of deer, elk, antelope, or bighorn sheep
24 fundraising tags that are sold on behalf of the department for the
25 purpose of raising funds for specified programs and projects,
26 pursuant to subdivision (c) of Section 331, subdivision (d) of
27 Section 332, subdivision (a) of Section 4334, or subdivision (d)
28 of Section 4902, is authorized to retain 5 percent of the amount of
29 the sale price of the tag, plus any applicable credit card fees, as a
30 reasonable vendor fee.

31 SEC. 3. Section 3953 of the Fish and Game Code is amended
32 to read:

33 3953. (a) The Big Game Management Account is hereby
34 established within the Fish and Game Preservation Fund.

35 (b) Except as provided in Section 709, ~~100 percent of the sale~~
36 ~~price~~ *all revenues from the sale* of antelope, elk, deer, wild pig,
37 bear, and sheep tags, including any fundraising tags, shall be
38 deposited in the Big Game Management Account to permit separate
39 accountability for the receipt and expenditure of these funds. *Within*
40 *30 days of the date of the sale, the selling nonprofit organization*

1 *shall send the department a check for 95 percent of the total*
2 *auction sale price of the tag, with an itemized receipt showing the*
3 *sale price and the 5-percent reduction retained by the nonprofit*
4 *organization as a vendor's fee. If the buyer of the tag paid with a*
5 *credit card, the nonprofit organization may also deduct the amount*
6 *of the credit card fee from the selling price, provided a documented*
7 *accounting of the fee is provided.*

8 (c) Funds deposited in the Big Game Management Account
9 shall be available for expenditure upon appropriation by the
10 Legislature to the department. These funds shall be expended solely
11 for the purposes set forth in this section and Sections 3951 and
12 3952, and Chapter 5 (commencing with Section 450) of Division
13 1, Chapter 7 (commencing with Section 4650), and Chapter 11
14 (commencing with Section 4900), including acquiring land,
15 completing projects, and implementing programs to benefit
16 antelope, elk, deer, wild pigs, bear, and sheep, and expanding
17 public hunting opportunities and related public outreach. Any land
18 acquired with funds from the Big Game Management Account
19 shall be acquired in fee title or protected with a conservation
20 easement and, to the extent possible, be open or provide access to
21 the public for antelope, elk, deer, wild pig, bear, or sheep hunting.
22 The department may also use funds from the Big Game
23 Management Account to pay for administrative and enforcement
24 costs of the programs and activities described in this section. The
25 amount allocated from the account for administrative costs shall
26 be limited to the reasonable costs associated with administration
27 of the programs and activities described in this section.

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

34 (e) An advisory committee, as determined by the department,
35 that includes interested nonprofit organizations that have goals
36 and objectives directly related to the management and conservation
37 of big game species and primarily represent the interests of persons
38 licensed pursuant to Section 3031 shall review and provide
39 comments to the department on all proposed projects funded from
40 the Big Game Management Account to help ensure that the

1 requirements of this section have been met. The department shall
2 post budget information and a brief description on an Internet Web
3 site for all projects funded from the Big Game Management
4 Account.

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

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

12 SEC. 4. Section 4902 of the Fish and Game Code is amended
13 to read:

14 4902. (a) The commission may adopt all regulations necessary
15 to provide for biologically sound management of Nelson bighorn
16 sheep (subspecies *Ovis canadensis nelsoni*).

17 (b) (1) After the plans developed by the department pursuant
18 to Section 4901 for the management units have been submitted,
19 the commission may authorize sport hunting of mature Nelson
20 bighorn rams. Before authorizing the sport hunting, the commission
21 shall take into account the Nelson bighorn sheep population
22 statewide, including the population in the management units
23 designated for hunting.

24 (2) Notwithstanding Section 219, the commission shall not,
25 however, adopt regulations authorizing the sport hunting in a single
26 year of more than 15 percent of the mature Nelson bighorn rams
27 in a single management unit, based on the department's annual
28 estimate of the population in each management unit.

29 (c) The fee for a tag to take a Nelson bighorn ram shall be four
30 hundred dollars (\$400) for a resident of the state, which shall be
31 adjusted annually pursuant to Section 713. On or before July 1,
32 2015, the commission shall, by regulation, fix the fee for a
33 nonresident of the state at not less than one thousand five hundred
34 dollars (\$1,500), which shall be adjusted annually pursuant to
35 Section 713. Fee revenues shall be deposited in the Big Game
36 Management Account established in Section 3953 and, upon
37 appropriation by the Legislature, shall be expended as set forth in
38 that section.

39 (d) The commission shall annually direct the department to
40 authorize not more than three of the tags available for issuance

1 that year to take Nelson bighorn rams for the purpose of raising
2 funds for programs and projects to benefit Nelson bighorn sheep.
3 These tags may be sold to residents or nonresidents of the State
4 of California at auction or by another method and shall not be
5 subject to the fee limitation prescribed in subdivision (c).
6 Commencing with tags sold for the 1993 hunting season, if more
7 than one tag is authorized, the department shall designate a
8 nonprofit organization organized pursuant to the laws of this state,
9 or the California chapter of a nonprofit organization organized
10 pursuant to the laws of another state, as the seller of not less than
11 one of these tags. The number of tags authorized for the purpose
12 of raising funds pursuant to this subdivision, if more than one,
13 shall not exceed 15 percent of the total number of tags authorized
14 pursuant to subdivision (b). All revenue from the sale of tags
15 pursuant to this subdivision shall be deposited in the Big Game
16 Management Account established in Section 3953 and, upon
17 appropriation by the Legislature, shall be expended as set forth in
18 that section.

19 (e) No tag issued pursuant to this section shall be valid unless
20 and until the licensee has successfully completed a prehunt hunter
21 familiarization and orientation and has demonstrated to the
22 department that he or she is familiar with the requisite equipment
23 for participating in the hunting of Nelson bighorn rams, as
24 determined by the commission. The orientation shall be conducted
25 by the department at convenient locations and times preceding
26 each season, as determined by the commission.