

Assembly Bill No. 2105

CHAPTER 467

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

[Approved by Governor September 19, 2014. Filed with
Secretary of State September 19, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2105, 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.

This bill would authorize a nonprofit organization designated by the department to assist in the sale of deer, elk, antelope, or big hornsheep fundraising tags to retain 5% of the amount of the sale price of the tag as a reasonable vendor fee. The bill would require the selling nonprofit organization, within 30 days of the date of the sale, to send the department 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 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.

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

SECTION 1. The Legislature hereby finds and declares all of the following:

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

(b) A National Survey of Fishing, Hunting, and Wildlife-Associated Recreation conducted by the United States Fish and Wildlife Service in 2011 found all of the following:

(1) Over 90,000,000 United States residents 16 years of age and older participated in wildlife-dependent recreation.

(2) Individuals participating in wildlife-dependent recreation spent \$145,000,000,000 in 2011 on their activities, which equated to 1 percent of the gross domestic product.

(3) In 2011 alone, hunters and anglers spent \$90,000,000,000 on equipment, travel, licenses and fees, and other related expenses, while wildlife viewers spent \$55,000,000,000.

(4) Hunters and anglers spend \$3,200,000,000 in California annually.

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

(d) Hunting license tag and stamp sales generate about \$28,000,000 annually for the California Department of Fish and Wildlife's conservation and scientific efforts.

(e) Hunters have assisted in the restoration, enhancement, and protection of over 700,000 acres of wetland habitat in California since 1988.

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

(g) Hunting and angling serve as the cornerstone of the North American Model of Wildlife Conservation, and serve as a source of funding for conservation efforts in North America.

(h) Special auction hunting tags sell for up to hundreds of thousands of dollars with the revenue going back to the Department of Fish and Wildlife for habitat projects and research.

(i) In 1986, the Legislature fixed the maximum price of both resident and nonresident bighorn desert sheep tags in statute at \$500, and permits no more than 15 percent of these tags to be auctioned as discussed above.

(j) According to the Bureau of Labor Statistics, from October of 1986 to October of 2013, inclusive, the cost of living has increased by 112 percent. Considering inflation alone, the \$500 tag fee from 1986 should have risen to \$1,060 by 2013 based on inflation.

(k) Nonresident desert bighorn sheep tags are available in only six states, making that desert bighorn tag the most difficult to acquire. In 2013, California offered hunters only 20 desert bighorn sheep tags in the public draw. Thirteen thousand four hundred thirty-five hunters applied for those

20 tags, up from 4,628 who applied just 15 years earlier in 1999. Despite the huge increase in demand, the \$500 tag fee has remained unchanged.

(l) In 2014, California is charging nonresidents \$1,272.50 for an elk tag. In addition, California has over 400 elk tags available for hunters, an amount that is larger than the number of desert bighorn sheep tags.

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

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

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

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

(b) Except as provided in Section 709, all revenues from the sale of antelope, elk, deer, wild pig, bear, and sheep tags, including any fundraising tags, shall be deposited in the Big Game Management Account to permit separate accountability for the receipt and expenditure of these funds. Within 30 days of the date of the sale, the selling nonprofit organization shall send the department 95 percent of the total auction sale price of the tag, with an itemized receipt showing the sale price and the 5-percent reduction retained by the nonprofit organization as a vendor's fee.

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

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

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

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

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

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

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

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

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

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

(d) The commission shall annually direct the department to authorize not more than three of the tags available for issuance that year to take Nelson bighorn rams for the purpose of raising funds for programs and projects to benefit Nelson bighorn sheep. These tags may be sold to residents or nonresidents of the State of California at auction or by another method and shall not be subject to the fee limitation prescribed in subdivision (c). Commencing with tags sold for the 1993 hunting season, if more than one tag is authorized, the department shall designate a nonprofit organization

organized pursuant to the laws of this state, or the California chapter of a nonprofit organization organized pursuant to the laws of another state, as the seller of not less than one of these tags. The number of tags authorized for the purpose of raising funds pursuant to this subdivision, if more than one, shall not exceed 15 percent of the total number of tags authorized pursuant to subdivision (b). All revenue from the sale of tags pursuant to this subdivision shall be deposited in the Big Game Management Account established in Section 3953 and, upon appropriation by the Legislature, shall be expended as set forth in that section.

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

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