

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 345

Introduced by Senator Berryhill
(Principal coauthor: Assembly Member Bigelow)

February 24, 2015

An act to amend Section ~~7149~~ of 7120 of, to amend, repeal, and add Sections 7149, 7149.05, and 7233 of, and to add Section 7122 to, the Fish and Game Code, relating to ~~sport fishing~~; fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

SB 345, as amended, Berryhill. ~~Sport fishing; licenses.~~ *The Sport Fishing Stimulus Act of 2015.*

(1) Existing law makes it unlawful to take mammals, birds, fish, reptiles, and amphibians outside of established seasons or to exceed any bag limit or possession limit established by statute or by regulations adopted by the Fish and Game Commission. Under existing law, unless otherwise provided, it is unlawful to possess fish, reptiles, or amphibians except during the open season where taken and for 10 days thereafter, and not more than the possession limit thereof is allowed to be possessed during the period after the close of the open season. Existing law makes it unlawful for any person to possess more than one daily bag limit of any fish taken under a sport fishing license unless authorized by certain regulations adopted by the commission.

This bill would authorize a charitable organization or nonprofit organization to possess fish taken under a sport fishing license in excess of a possession limit established by statute or by regulations adopted by the commission at any time if the charitable organization or nonprofit organization was given the fish by a donor intermediary, as defined, or a person who holds a sport fishing license and an applicable license

tag or tags, the charitable organization or nonprofit organization has documentation to that effect, as specified, and the charitable organization or nonprofit organization retains any tag required to be affixed to a fish in the manner prescribed in the Fish and Game Code or regulations adopted by the commission. The bill would authorize a donor intermediary to possess fish taken under a sport fishing license in excess of a possession limit if the donor intermediary complies with the same requirements as a charitable organization or nonprofit organization.

This bill would require the commission to recommend legislation or adopt regulations to clarify when a possession limit is not violated by processing into food lawfully taken sport fish.

Existing

(2) Existing law requires every person 16 years of age or older who takes any fish, reptile, or amphibian for any purpose other than profit to first obtain a license for that purpose, with specified exceptions, and to have that license on his or her person or in his or her immediate possession when engaged in carrying out any activity authorized by the license. Existing law requires a resident or a nonresident, 16 years of age or older, upon payment of a specified fee, to be issued a sport fishing license for a prescribed period. Existing law requires the Fish and Game Commission to adjust the amount of the sport fishing license fees, as prescribed, to fully recover, but not exceed, all reasonable administrative and implementation costs of the Department of Fish and Wildlife and the Fish and Game Commission relating to those licenses. to be issued a sport fishing license for the period of a calendar year; or, if issued after the beginning of the year, for the remainder of the year, upon payment of the base fee of \$31.25 for residents and \$84 for nonresidents. Existing law provides that these base fees are applicable to the 2004 license year and requires the fees to be adjusted annually according to a specified index.

This bill would ~~make nonsubstantive changes in these provisions:~~ revise those provisions to require, on January 1, 2018, that a resident or a nonresident, 18 years of age or older, upon payment of the applicable fee, to be issued a sport fishing license for the period of 12 consecutive months beginning on the date specified on the license. The bill would increase the base fee for residents from \$31.25 to \$42.50 and would provide that this base fee is applicable to the 2018 license year.

This bill would require, on January 1, 2018, that a resident or nonresident, 16 years of age or older and under 18 years of age, to be issued a junior sport fishing license for the period of 12 consecutive months beginning on the date specified on the license, upon the payment of a base fee of \$8.25. The bill would provide that this base fee is applicable to the 2018 license year.

Existing law requires a nonresident, 16 years of age or older, upon payment of the fee applicable for a one-year resident sport fishing license, to be issued a sport fishing license for a period of 10 consecutive days beginning on the date specified on the license. Existing law requires a resident or nonresident, 16 years of age or older, upon payment of $\frac{1}{2}$ of the fee applicable for a one-year resident sport fishing license, to be issued a 2-day sport fishing license.

On January 1, 2018, this bill would, by increasing the base fee for a one-year resident sport fishing license, also increase the required fees for the 10-day nonresident sport fishing license and the resident and nonresident 2-day sport fishing license, as prescribed. The bill would provide that the base fees for these licenses are applicable to the 2018 license year. The bill would also increase the age of persons eligible for these licenses to 18 years of age and older.

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

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

1 *SECTION 1. This act shall be known, and may be cited, as the*
2 *Sport Fishing Stimulus Act of 2015.*

3 *SEC. 2. The Legislature finds and declares that California's*
4 *fisheries and fishing communities have survived through significant*
5 *changes in the last decade, including rebuilding fish stocks,*
6 *creation of a statewide network of marine protected areas, and*
7 *changing ocean climates. If California is to ensure the*
8 *sustainability of its fisheries and fishing communities and ports,*
9 *and the high-quality seafoods they provide, it is time to invest in*
10 *their future.*

11 *SEC. 3. Section 7120 of the Fish and Game Code is amended*
12 *to read:*

13 7120. ~~It~~*Except as provided in Section 7122, it is unlawful for*
14 *any person to possess more than one daily bag limit of any fish*
15 *taken under a license issued pursuant to Section 714 or Article 3*

(commencing with Section 7145) unless authorized by regulations adopted by the commission pursuant to Section 206.

SEC. 4. Section 7122 is added to the Fish and Game Code, to read:

7122. (a) For the purposes of this section, “donor intermediary” means a recipient of fish taken under a sport fishing license from a donor to give to a charitable organization or nonprofit organization.

(b) A donor intermediary may possess fish taken under a sport fishing license in excess of any possession limit established pursuant to this code or by regulations adopted by the commission at any time if the donor intermediary has the documentation described in subparagraph (A) or (B) of paragraph (2) of subdivision (c) and complies with paragraph (3) of subdivision (c).

(c) A charitable organization or nonprofit organization may possess fish taken under a sport fishing license in excess of any possession limit established pursuant to this code or by regulations adopted by the commission at any time if all of the following conditions are met:

(1) The charitable organization or nonprofit organization received the fish from a donor intermediary or from a person who took the fish under a sport fishing license.

(2) The charitable organization or nonprofit organization has either of the following:

(A) A photocopy of the donor’s sport fishing license and any applicable validated tag or tags that has been signed and dated by the donor confirming the donation. The photocopied license and tag, stamp, or validation shall be from the current or immediate past license year.

(B) A signed and dated document confirming the donation that includes the donor’s name, address, sport fishing license number, and any applicable tag numbers for the species possessed. The license and tag or tags shall be for the current or immediate past license year.

(3) The charitable organization or nonprofit organization retains any tag required to be affixed to the fish in the manner prescribed in this code or by regulations adopted by the commission.

(d) The documentation required by paragraph (2) of subdivision (c) shall be made available to the department as described in

1 *Section 2012. There is no required format for the documentation.*
2 *Any written documentation containing the required information*
3 *shall be deemed to comply with this section. A charitable*
4 *organization or nonprofit organization shall maintain the*
5 *documentation described in paragraph (2) of subdivision (c) for*
6 *one year from the date of disposal.*

7 **SECTION 1.**

8 **SEC. 5.** Section 7149 of the Fish and Game Code is amended
9 to read:

10 7149. (a) A sport fishing license granting the privilege to take
11 any fish, reptile, or ~~amphibia~~ *amphibian* anywhere in this state for
12 purposes other than profit shall be issued to any of the following:

13 (1) A resident, 16 years of age or older, for the period of a
14 calendar year, or, if issued after the beginning of the year, for the
15 remainder thereof, upon payment of a base fee of thirty-one dollars
16 and twenty-five cents (\$31.25).

17 (2) A nonresident, 16 years of age or older, for the period of a
18 calendar year, or, if issued after the beginning of the year, for the
19 remainder thereof, upon payment of a base fee of eighty-four
20 dollars (\$84).

21 (3) A nonresident, 16 years of age or older, for the period of 10
22 consecutive days beginning on the date specified on the ~~license~~
23 *license*, upon payment of the fee set forth in paragraph (1).

24 (4) A resident or nonresident, 16 years of age or older, for two
25 consecutive designated calendar days, upon payment of one-half
26 of the fee set forth in paragraph (1). Notwithstanding Section 1053,
27 more than one two-day license issued for different two-day periods
28 may be issued to, or possessed by, a person at one time.

29 (5) A resident or nonresident, 16 years of age or older, for one
30 designated day, upon payment of a base fee of ten dollars (\$10).

31 (b) California sport fishing license stamps shall be issued by
32 authorized license agents in the same manner as a sport fishing
33 license, and ~~no compensation may~~ *shall not* be paid to the
34 authorized license agent for issuing the stamps except as provided
35 in Section 1055.

36 (c) This section does not apply to licenses, permits, reservations,
37 tags, or other entitlements issued through the Automated License
38 Data System.

(d) The base fees specified in this section are applicable to the 2004 license year, and shall be adjusted annually thereafter pursuant to Section 713.

(e) The commission shall adjust the amount of the fees specified in subdivision (d), as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the department and the commission relating to those licenses.

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

SEC. 6. *Section 7149 is added to the Fish and Game Code, to read:*

7149. (a) *A sport fishing license granting the privilege to take any fish, reptile, or amphibian anywhere in this state for purposes other than profit shall be issued to any of the following:*

(1) *A resident, 18 years of age or older, for the period of 12 consecutive months beginning on the date specified on the license, upon payment of a base fee of forty-two dollars and fifty cents (\$42.50).*

(2) *A nonresident, 18 years of age or older, for the period of 12 consecutive months beginning on the date specified on the license, upon payment of a base fee of eighty-four dollars (\$84).*

(3) *A resident or nonresident, 16 years of age or older and under 18 years of age, for the period of 12 consecutive months beginning on the date specified on the license, upon the payment of a base fee of eight dollars and twenty-five cents (\$8.25). A license issued pursuant to this paragraph shall be known as a junior sport fishing license.*

(4) *A nonresident, 18 years of age or older, for the period of 10 consecutive days beginning on the date specified on the license, upon payment of the fee set forth in paragraph (1).*

(5) *A resident or nonresident, 18 years of age or older, for two consecutive designated calendar days, upon payment of one-half of the fee set forth in paragraph (1). Notwithstanding Section 1053, more than one two-day license issued for different two-day periods may be issued to, or possessed by, a person at one time.*

(6) *A resident or nonresident, 18 years of age or older, for one designated day, upon payment of a base fee of ten dollars (\$10).*

(b) *California sport fishing license stamps shall be issued by authorized license agents in the same manner as sport fishing*

licenses, and compensation shall not be paid to the authorized license agent for issuing the stamps except as provided in Section 1055.

(c) This section does not apply to licenses, permits, reservations, tags, or other entitlements issued through the Automated License Data System.

(d) (1) The base fees specified in paragraphs (2) and (6) of subdivision (a) are applicable to the 2004 license year, and shall be adjusted annually thereafter pursuant to Section 713.

(2) The base fees specified in paragraphs (1) and (3) of subdivision (a) are applicable to the 2018 license year, and shall be adjusted annually thereafter pursuant to Section 713.

(e) The commission shall adjust the amount of the fees specified in subdivision (d), as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the department and the commission relating to those licenses.

(f) This section shall become operative on January 1, 2018.

SEC. 7. Section 7149.05 of the Fish and Game Code is amended to read:

7149.05. (a) A sport fishing license granting the privilege to take any fish, reptile, or ~~amphibia~~ *amphibian* anywhere in this state for purposes other than profit shall be issued to any of the following:

(1) A resident, 16 years of age or older, for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of thirty-one dollars and twenty-five cents (\$31.25).

(2) A nonresident, 16 years of age or older, for the period of a calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a base fee of eighty-four dollars (\$84).

(3) A nonresident, 16 years of age or older for the period of 10 consecutive days beginning on the date specified on the ~~license~~ *license*, upon payment of the fee set forth in paragraph (1).

(4) A resident or nonresident, 16 years of age or older, for two designated days, upon payment of one-half the fee set forth in paragraph (1). Notwithstanding Section 1053, more than one single day license issued for different days may be issued to, or possessed by, a person at one time.

(5) A resident or nonresident, 16 years of age or older, for one designated day upon payment of a base fee of ten dollars (\$10).

(b) California sport fishing license validations shall be issued by authorized license agents in the same manner as sport fishing licenses, and ~~no~~ compensation shall *not* be paid to the authorized license agent for issuing the validations except as provided in Section 1055.1.

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

(d) The base fees specified in this section are applicable to the 2004 license year, and shall be adjusted annually thereafter pursuant to Section 713.

(e) The commission shall adjust the amount of the fees specified in subdivision (d), as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the department and the commission relating to those licenses.

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

SEC. 8. Section 7149.05 is added to the Fish and Game Code, to read:

7149.05. (a) A sport fishing license granting the privilege to take any fish, reptile, or amphibian anywhere in this state for purposes other than profit shall be issued to any of the following:

(1) A resident, 18 years of age or older, for the period of 12 consecutive months beginning on the date specified on the license, upon payment of a base fee of forty-two dollars and fifty cents (\$42.50).

(2) A nonresident, 18 years of age or older, for the period of 12 consecutive months beginning on the date specified on the license, upon payment of a base fee of eighty-four dollars (\$84).

(3) A resident or nonresident, 16 years of age or older and under 18 years of age, for the period of 12 consecutive months beginning on the date specified on the license, upon the payment of a base fee of eight dollars and twenty-five cents (\$8.25). A license issued pursuant to this paragraph shall be known as a junior sport fishing license.

1 (4) *A nonresident, 18 years of age or older for the period of 10*
2 *consecutive days beginning on the date specified on the license,*
3 *upon payment of the fee set forth in paragraph (1).*

4 (5) *A resident or nonresident, 18 years of age or older, for two*
5 *designated days, upon payment of one-half the fee set forth in*
6 *paragraph (1). Notwithstanding Section 1053, more than one single*
7 *day license issued for different days may be issued to, or possessed*
8 *by, a person at one time.*

9 (6) *A resident or nonresident, 18 years of age or older, for one*
10 *designated day upon payment of a base fee of ten dollars (\$10).*

11 (b) *California sport fishing license validations shall be issued*
12 *by authorized license agents in the same manner as sport fishing*
13 *licenses, and compensation shall not be paid to the authorized*
14 *license agent for issuing the validations except as provided in*
15 *Section 1055.1.*

16 (c) *This section applies only to licenses, permits, reservations,*
17 *tags, and other entitlements issued through the Automated License*
18 *Data System.*

19 (d) (1) *The base fees specified in paragraphs (2) and (6) of*
20 *subdivision (a) are applicable to the 2004 license year, and shall*
21 *be adjusted annually thereafter pursuant to Section 713.*

22 (2) *The base fees specified in paragraphs (1) and (3) of*
23 *subdivision (a) are applicable to the 2018 license year, and shall*
24 *be adjusted annually thereafter pursuant to Section 713.*

25 (e) *The commission shall adjust the amount of the fees specified*
26 *in subdivision (d), as necessary, to fully recover, but not exceed,*
27 *all reasonable administrative and implementation costs of the*
28 *department and the commission relating to those licenses.*

29 (f) *This section shall become operative on January 1, 2018.*

30 SEC. 9. *Section 7233 is added to the Fish and Game Code, to*
31 *read:*

32 7233. *The commission shall recommend legislation or adopt*
33 *regulations to clarify when a possession limit is not violated by*
34 *processing into food lawfully taken sport fish.*