

**Introduced by Senator Morrell
(Coauthor: Senator Nielsen)**

(Coauthors: Assembly Members Achadjian, Bigelow, Brough, Lackey,
Mathis, and Olsen)

February 17, 2016

An act to amend Sections 3033, 7150, and 7151 of, and to add Sections 3034 and 7150.5 to, the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

SB 1081, as introduced, Morrell. Hunting and sport fishing: free and reduced license fees: veterans.

(1) Under existing law, a hunting license grants the privilege to take birds and mammals. Existing law requires the Department of Fish and Wildlife to issue a hunting license for a term of one year, as provided, upon payment of a fee, to eligible residents and nonresidents. Existing law requires the department to issue a reduced fee hunting license for a term of one year, as provided, upon payment of a reduced fee, to a disabled veteran or recovering service member, as specified. Existing law requires these fees to be adjusted annually according to a specified index.

This bill would instead require the department to issue a free hunting license, upon application to the department, to a disabled veteran or recovering service member and would require the department, to issue a reduced fee hunting license, upon application and payment of a fee of \$5, to a veteran of the Armed Forces of the United States who was honorably discharged. The bill would prohibit the reduced hunting license fee from being adjusted pursuant to the specified index.

(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 sport fishing license for that purpose 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 the department to issue a sport fishing license for the period of a calendar year, as provided, upon payment of a specified fee, to eligible residents and nonresidents. Existing law requires the department to issue a reduced fee sport fishing license to for the period of a calendar year upon payment of a reduced fee to a disabled veteran or recovering service member, as specified. Existing law requires these fees to be adjusted annually according to a specified index.

This bill would instead require the department to issue a free sport fishing license, upon application to the department, to a disabled veteran or recovering service member and would require the department to issue a reduced fee sport fishing license, upon application and payment of a fee of \$5, to a veteran of the Armed Forces of the United States who was honorably discharged. The bill would prohibit this reduced fishing license fee from being adjusted pursuant to the specified index.

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. Section 3033 of the Fish and Game Code is
 2 amended to read:
 3 3033. (a) Pursuant to this section, the department shall issue
 4 to a disabled veteran or recovering service member who has not
 5 been convicted of a violation of this code a ~~reduced fee~~ *free* hunting
 6 license that authorizes the licensee to take a bird or mammal as
 7 authorized by this code and regulations adopted pursuant to this
 8 code.
 9 ~~(b) The base license fee for a reduced fee hunting license shall~~
 10 ~~be four dollars (\$4) for the hunting license year beginning on July~~
 11 ~~1, 1995, and, for the following years, this license fee may be~~
 12 ~~annually reviewed and adjusted in accordance with Section 713.~~
 13 *(b) The license issued pursuant to this section shall be issued*
 14 *free of any charge or fee.*
 15 (c) For the purposes of this section, the following terms have
 16 the following meanings:

1 (1) “Disabled veteran” means a person having a 50 percent or
2 greater service-connected disability and an honorable discharge
3 from military service.

4 (2) “Recovering service member” means a member of the
5 military who meets the definition of “recovering service member”
6 in Section 1602(7) of the federal National Defense Authorization
7 Act for Fiscal Year 2008 (Public Law 110-181).

8 (d) A person applying for a ~~reduced fee~~ *free* hunting license
9 shall submit to the department adequate documentation for the
10 department to determine whether the person is, in fact, eligible for
11 a ~~reduced fee~~ *free* hunting license. The department shall not issue
12 a ~~reduced fee~~ *free* hunting license to a person unless it is satisfied
13 that the person has provided adequate documentation of eligibility
14 for that license.

15 (e) A disabled veteran shall submit the following documentation:

16 (1) Proof of an honorable discharge from military service.

17 (2) Proof of the disability described in paragraph (1) of
18 subdivision (c), either by certification from the United States
19 Department of Veterans Affairs or by presentation of a license
20 issued pursuant to this section in the preceding license year.

21 (f) A recovering service member shall submit a letter to the
22 department stating that the person is a recovering service member
23 as defined in subdivision (d), from either that person’s commanding
24 officer or a military medical doctor. The letter may be submitted
25 either in hard copy form or online.

26 (g) *Notwithstanding subdivision (c) of Section 3031 and*
27 *subdivision (f) of Section 3031.2, the commission shall not increase*
28 *the fees required to obtain the licenses specified in Sections 3031*
29 *and 3031.2 for a person not receiving the benefit pursuant to this*
30 *section to recover the cost of providing the benefit.*

31 SEC. 2. Section 3034 is added to the Fish and Game Code, to
32 read:

33 3034. (a) Upon application pursuant to this section and
34 payment of a fee of five dollars (\$5), the department shall issue to
35 a veteran of the Armed Forces of the United States, who was
36 honorably discharged and who has not been convicted of a violation
37 of this code, a reduced fee hunting license that authorizes the
38 licensee to take a bird or mammal as authorized by this code and
39 regulations adopted pursuant to this code.

1 (b) The license fee for a reduced fee hunting license shall be
2 not be adjusted pursuant to Section 713.

3 (c) A person applying for a reduced fee hunting license shall
4 submit to the department adequate documentation for the
5 department to determine whether the applicant is, in fact, eligible
6 for a reduced fee hunting license. The department shall not issue
7 a reduced fee hunting license to any person unless it is satisfied
8 that the applicant has provided adequate documentation of
9 eligibility for that license.

10 (d) Notwithstanding subdivision (c) of Section 3031 and
11 subdivision (f) of Section 3031.2, the commission shall not increase
12 the fees required to obtain the licenses specified in Sections 3031
13 and 3031.2 for a person not receiving the benefit pursuant to this
14 section to recover the cost of providing the benefit.

15 SEC. 3. Section 7150 of the Fish and Game Code is amended
16 to read:

17 7150. (a) Upon application to the department's headquarters
18 office in Sacramento and payment of a base fee of four dollars
19 (\$4), as adjusted pursuant to Section 713, ~~the following persons;~~
20 ~~who have not been convicted of any violation of this code;~~ *a person*
21 *who meets the eligibility requirements specified in subdivision (b)*
22 shall be issued a reduced fee sport fishing license that is valid for
23 one year as specified in paragraphs (1) and (2) of subdivision (a)
24 of Section 7149.05 and that authorizes the licensee to take any
25 fish, reptile, or amphibians anywhere in this state as otherwise
26 authorized pursuant to this code and regulations adopted pursuant
27 thereto for purposes other than ~~profit~~: *profit*.

28 ~~(1) A disabled veteran having a 50 percent or greater~~
29 ~~service-connected disability upon presentation of proof of an~~
30 ~~honorable discharge from military service and proof of the~~
31 ~~disability. Proof of the disability shall be by certification from the~~
32 ~~United States Veterans Administration or by presentation of a~~
33 ~~license issued pursuant to this paragraph in the preceding license~~
34 ~~year.~~

35 ~~(2) A member of the military who is a "recovering service~~
36 ~~member" pursuant to Section 1602(7) of the federal National~~
37 ~~Defense Authorization Act for Fiscal Year 2008 (Public Law~~
38 ~~110-181). A person shall be eligible for a reduced fee sport fishing~~
39 ~~license pursuant to this paragraph upon the submission of a letter,~~
40 ~~online or in hardcopy, to the department from that person's~~

1 commanding officer or from a military medical doctor stating that
2 the person is a recovering service member.

3 ~~(3)~~

4 (b) A person over 65 years of age who is a resident of this state
5 and whose total monthly income from all sources, including any
6 old age assistance payments, does not exceed the amount in effect
7 on September 1 of each year contained in subdivision (c) of Section
8 12200 of the Welfare and Institutions Code for single persons or
9 subdivision (d) of Section 12200 of the Welfare and Institutions
10 Code combined income for married persons, as adjusted pursuant
11 to that section. The amount in effect on September 1 of each year
12 shall be the amount used to determine eligibility for a reduced fee
13 license during the following calendar year. *who meets the following*
14 *requirements shall be eligible for a reduced fee license pursuant*
15 *to this section:*

16 (1) *The person has not been convicted of any violation of this*
17 *code.*

18 (2) *The person is over 65 years of age.*

19 (3) *The person is a resident of this state.*

20 (4) *The person's total monthly income from all sources,*
21 *including any old age assistance payments, does not exceed the*
22 *amount in effect on September 1 of each year contained in*
23 *subdivision (c) of Section 12200 of the Welfare and Institutions*
24 *Code for single persons or subdivision (d) of Section 12200 of the*
25 *Welfare and Institutions Code combined income for married*
26 *persons, as adjusted pursuant to that section. The amount in effect*
27 *on September 1 of each year shall be the amount used to determine*
28 *eligibility for a reduced fee license during the following calendar*
29 *year.*

30 ~~(b)~~

31 (c) A person applying for a reduced fee sport fishing license
32 shall submit adequate documentation for the department to
33 determine whether the applicant is, in fact, eligible for a reduced
34 fee sport fishing license. The documentation shall be in the form
35 of a letter or other document, as specified by the department, from
36 a public agency, ~~except as provided in paragraphs (1) and (2) of~~
37 ~~subdivision (a).~~ *agency.* The department shall not issue a reduced
38 fee sport fishing license to any person unless it is satisfied that the
39 applicant has provided adequate documentation of eligibility for
40 that license.

1 (e)

2 (d) The adjustment of the base fee pursuant to Section 713
3 specified in subdivision (a) shall be applicable to the fishing license
4 years beginning on or after January 1, 1996.

5 SEC. 4. Section 7150.5 is added to the Fish and Game Code,
6 to read:

7 7150.5. (a) Upon application to the department’s headquarters
8 office in Sacramento and payment of a fee of five dollars (\$5), a
9 veteran of the Armed Forces of the United States, who was
10 honorably discharged and who has not been convicted of any
11 violation of this code, shall be issued a reduced fee sport fishing
12 license that is valid for one year as specified in paragraphs (1) and
13 (2) of subdivision (a) of Section 7149.05 and that authorizes the
14 licensee to take any fish, reptile, or amphibians anywhere in this
15 state as otherwise authorized pursuant to this code and regulations
16 adopted pursuant thereto for purposes other than profit.

17 (b) A person applying for a reduced fee sport fishing license
18 shall submit adequate documentation for the department to
19 determine whether the applicant is, in fact, eligible for a reduced
20 fee sport fishing license. The documentation shall be in the form
21 of a letter or other document, as specified by the department, from
22 a public agency. The department shall not issue a reduced fee sport
23 fishing license to any person unless it is satisfied that the applicant
24 has provided adequate documentation of eligibility for that license.

25 (c) The fee required pursuant to subdivision (a) shall not be
26 adjusted pursuant to Section 713.

27 (d) Notwithstanding subdivision (e) of Section 7149.05, the
28 commission shall not increase the fees required to obtain the license
29 specified in Section 7149.05 for a person not receiving the benefit
30 pursuant to this section to recover the cost of providing the benefit.

31 SEC. 5. Section 7151 of the Fish and Game Code is amended
32 to read:

33 7151. (a) Upon application to the department, the following
34 persons, if they have not been convicted of any violation of this
35 code, shall be issued, free of any charge or fee, a sport fishing
36 license, that authorizes the licensee to take any fish, reptile, or
37 amphibian anywhere in this state for purposes other than profit:

38 (1) Any blind person upon presentation of proof of blindness.
39 “Blind person” means a person with central visual acuity of 20/200
40 or less in the better eye, with the aid of the best possible correcting

1 glasses, or central visual acuity better than 20/200 if the widest
2 diameter of the remaining visual field is no greater than 20 degrees.
3 Proof of blindness shall be by certification from a qualified licensed
4 optometrist or ophthalmologist or by presentation of a license
5 issued pursuant to this paragraph in any previous license year.

6 (2) Every resident Native American who, in the discretion of
7 the department, is financially unable to pay the fee required for
8 the license.

9 (3) Any developmentally disabled person, upon presentation of
10 certification of that disability from a qualified licensed physician,
11 or the director of a state regional center for the developmentally
12 disabled.

13 (4) Any person who is a resident of the state and who is so
14 severely physically disabled as to be permanently unable to move
15 from place to place without the aid of a wheelchair, walker, forearm
16 crutches, or a comparable mobility-related device. Proof of the
17 disability shall be by certification from a licensed physician or
18 surgeon or, by presentation of a license issued pursuant to this
19 paragraph in any previous license year after 1996.

20 (5) *A disabled veteran having a 50 percent or greater*
21 *service-connected disability upon presentation of proof of an*
22 *honorable discharge from military service and proof of the*
23 *disability. Proof of the disability shall be by certification from the*
24 *United States Veterans Administration or by presentation of a*
25 *license issued pursuant to this paragraph in the preceding license*
26 *year.*

27 (6) *A member of the military who is a “recovering service*
28 *member” pursuant to Section 1602(7) of the federal National*
29 *Defense Authorization Act for Fiscal Year 2008 (Public Law*
30 *110-181). A person shall be eligible for a free sport fishing license*
31 *pursuant to this paragraph upon the submission of a letter, online*
32 *or in hardcopy, to the department from that person’s commanding*
33 *officer or from a military medical doctor stating that the person*
34 *is a recovering service member.*

35 (b) Sport fishing licenses issued pursuant to ~~paragraph (2)~~
36 *paragraphs (2), (5), and (6) of subdivision (a) are valid for the*
37 *calendar year of issue or, if issued after the beginning of the year,*
38 *for the remainder thereof.*

39 (c) Sport fishing licenses issued pursuant to paragraphs (1), (3),
40 and (4) of subdivision (a) are valid for five calendar years, or if

1 issued after the beginning of the first year, for the remainder
2 thereof.

3 (d) Upon application to the department, the department may
4 issue, free of any charge or fee, a sport fishing license to groups
5 of mentally or physically handicapped persons under the care of
6 a certified federal, state, county, city, or private licensed care center
7 that is a community care facility as defined in subdivision (a) of
8 Section 1502 of the Health and Safety Code, to organizations
9 exempt from taxation under Section 501(c)(3) of the federal
10 Internal Revenue Code, or to schools or school districts. Any
11 organization that applies for a group fishing license shall provide
12 evidence that it is a legitimate private licensed care center,
13 tax-exempt organization, school, or school district. The license
14 shall be issued to the person in charge of the group and shall be in
15 his or her possession when the group is fishing. Employees of
16 private licensed care centers, tax-exempt organizations, schools,
17 or school districts are exempt from Section 7145 only while
18 assisting physically or mentally disabled persons fishing under the
19 authority of a valid license issued pursuant to this section. The
20 license shall include the location where the activity will take place,
21 the date or dates of the activity, and the maximum number of
22 people in the group. The licenseholder shall notify the local
23 department office before fishing and indicate where, when, and
24 how long the group will fish.

25 (e) Upon application to the department, the department may
26 issue, free of any charge or fee, a sport fishing license to a nonprofit
27 organization for day-fishing trips that provide recreational
28 rehabilitation therapy for active duty members of the United States
29 military who are currently receiving inpatient care in a military or
30 Veterans Administration hospital and veterans with
31 service-connected disabilities. The license shall be valid for the
32 calendar year of issue or, if issued after the beginning of the year,
33 for the remainder of that year. The license shall be issued to the
34 person in charge of the group, and shall be in the licenseholder's
35 possession when the group is fishing. The organization shall notify
36 the local department office before fishing and indicate where,
37 when, and how long the group will fish. To be eligible for a license
38 under this subdivision, an organization shall be registered to do
39 business in this state or exempt from taxation under Section 501(c)
40 of the federal Internal Revenue Code.

1 (f) On January 15 of each year, the department shall determine
2 the number of free sport fishing licenses in effect during the
3 preceding year under subdivisions (a), (d), and (e).

4 (g) There shall be appropriated from the General Fund a sum
5 equal to two dollars (\$2) per free sport fishing license in effect
6 during the preceding license year under subdivisions (a) and (d),
7 as determined by the department pursuant to subdivision (f). That
8 sum may be appropriated annually in the Budget Act for transfer
9 to the Fish and Game Preservation Fund and appropriated in the
10 Budget Act from the Fish and Game Preservation Fund to the
11 department for the purposes of this part.

12 *(h) Notwithstanding subdivision (e) of Section 7149.05, the*
13 *commission shall not increase the fees required to obtain the*
14 *license specified in 7149.05 for a person not receiving the benefit*
15 *pursuant to this section to recover the cost of providing the benefit.*