

## Assembly Bill No. 1916

### CHAPTER 293

An act to amend Sections 1053, 1932, 3050, 7149, and 7151 of the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

[Approved by Governor August 2, 1995. Filed with Secretary of State August 3, 1995.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1916, Harvey. Fish and game: licenses.

(1) Under existing law, the Department of Fish and Game issues licenses, license tags, license stamps, permits, and other entitlements that authorize persons to take, possess, dispose, process, or sell fish or wildlife. Generally, not more than one license or not more than the number of license tags authorized by statute or regulation of the same class may be issued to or purchased by a person for the same license year, except as specified. Existing law excepts hunting licenses from that prohibition upon the filing of an affidavit showing the loss or destruction of an unexpired hunting license and the payment of a fee of \$5, adjusted as specified.

This bill would, instead, for the license year beginning July 1, 1996, and each license year thereafter, except certain hunting licenses from that prohibition upon the surrender of a valid license receipt for an unexpired license issued by the department of that specified class and payment of a base fee of \$5, as adjusted.

(2) Under existing law, the department administers the Significant Natural Areas Program, and requires the department, among other things, to ensure cost-sharing by all persons who use the California Natural Diversity Data Base and to develop a fee structure to recover actual costs for use of that data base.

This bill would delete the requirement that the department develop that fee structure and, instead, would require the department to develop an appropriate schedule of compensation to be paid by individuals using the data management system, as specified.

(3) Under existing law, no hunting license may be issued, with prescribed exceptions, unless the applicant demonstrates that he or she has met specified requirements, including (A) evidence that he or she has held a hunting license issued in a prior year by this state or (B) presentation of a certificate of completion of a course in hunter safety in this or another state with an affixed California hunter safety instruction validation stamp.

The bill would add to these alternatives, evidence that an applicant holds a current hunting license issued by another state or province. The bill also would change the alternative described in (B) to add the presentation of a certificate of successful completion of a hunter safety course in another province and to eliminate the requirement that a California hunter safety instruction stamp be affixed to the certificate of completion of a hunter safety course in another state or province.

(4) Existing law requires the department to issue various sportfishing licenses to persons meeting specified qualifications.

This bill would, additionally, require the issuance of a sportfishing license that is valid for 10 consecutive days to a nonresident over the age of 16 years for a specified fee.

(5) Existing law requires the department to issue free sportfishing licenses to, among other persons, resident persons who are so severely physically disabled as to be permanently unable to move from place to place without the aid of a wheelchair, walker, or forearm crutches. Existing law provides for an appropriation from the General Fund of \$2 for each free sportfishing license and authorizes that appropriation to be included in the Budget Act.

This bill would also include persons aided by comparable mobility-related devices.

(6) Because the license fees received under the bill are required by other provisions of existing law to be deposited in the Fish and Game Preservation Fund, which is continuously appropriated to the department to carry out the Fish and Game Code, and because the bill would impose new duties on the department, the bill would make an appropriation.

Appropriation: yes.

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

SECTION 1. Section 1053 of the Fish and Game Code is amended to read:

1053. (a) Not more than one license or not more than the number of license tags authorized by statute or regulation of the same class shall be issued to, or the fees paid by, a person for the same license year, except upon:

(1) The expiration of the license.

(2) Except as provided in paragraph (3) or (4), the filing of an affidavit showing the loss or destruction of an unexpired license or license tag previously issued and payment of a fee in an amount determined by the department to pay the cost of issuing a duplicate license or license tag, not to exceed the fee for issuing the original license or license tag.

(3) For the license year beginning July 1, 1996, and each license year thereafter, the surrender of a valid license receipt issued by the



department for an unexpired license issued pursuant to paragraph (1), (2), or (3) of subdivision (a) of Section 3031 and payment of a base fee of five dollars (\$5), as adjusted pursuant to Section 713. A duplicate license issued pursuant to this paragraph may be issued by any person authorized by the department to issue licenses.

(4) The surrender of a valid license receipt issued by the department for an unexpired license issued pursuant to paragraph (1) or (2) of subdivision (a) or subdivision (b) of Section 7149 and the payment of a base fee of five dollars (\$5), as adjusted pursuant to Section 713. A duplicate license issued pursuant to this paragraph may be issued by any person authorized by the department to issue licenses.

(b) Any person authorized by the department to issue licenses may administer the oath for purposes of the affidavit without any fee. Each of the affidavits provided for under subdivision (a) shall be filed with the department at the times and in the manner prescribed by the department.

(c) The adjustment of the base fee pursuant to Section 713 specified in subdivision (a) shall be applicable to the hunting license years beginning on or after July 1, 1996, and the fishing license years beginning on or after January 1, 1996.

SEC. 2. Section 1932 of the Fish and Game Code is amended to read:

1932. There is hereby established the Significant Natural Areas Program which shall be administered by the department. The department, in administering this program, shall do all of the following:

(a) Obtain access to the most recent information with respect to natural resources. In order to accomplish this, the department shall maintain, expand, and keep current a data management system, designated the California Natural Diversity Data Base, designed to document information on these resources. That data shall be made available to interested parties on request.

(b) Ensure cost-sharing by all who use the data management system and develop an appropriate schedule of compensation to be paid by individuals using the data management system, not to exceed the actual costs for use of the data management system.

(c) Ensure recognition of the state's most significant natural areas. The department shall, after consultation with federal, state, and local agencies, education institutions, civic and public interest organizations, private organizations, landowners, and other private individuals, identify by means of periodic reports those natural areas deemed to be most significant.

(d) Seek the maintenance and perpetuation of the state's most significant natural areas for present and future generations in the most feasible manner. The department shall consider alternative



approaches for that maintenance, including alternatives to fee acquisition such as incentives, leasing, and dedication.

(e) Reduce unnecessary duplication of effort. The department shall provide coordinating services to federal, state, local, and private interests wishing to aid in the maintenance and perpetuation of significant natural areas.

SEC. 3. Section 3050 of the Fish and Game Code is amended to read:

3050. (a) No hunting license shall be issued to any person unless he or she presents to the person authorized to issue that license any of the following:

(1) Evidence that he or she has held a hunting license issued by this state in a prior year.

(2) Evidence that he or she holds a current hunting license issued by another state or province.

(3) A certificate of completion of a course in hunter safety, principles of conservation, and sportsmanship, as provided in this article, with a hunter safety instruction validation stamp affixed thereto.

(4) A certificate of successful completion of a hunter safety course in another state or province.

(5) Evidence of completion of a course in hunter safety, principles of conservation, and sportsmanship, which the commission may, by regulation, require.

(b) The evidence required in subdivision (a) shall be forwarded to the department with the license agent's report of hunting license sales as required pursuant to Section 1055.5.

(c) Subdivision (a) does not apply to any person not a resident of this state, purchasing a hunting license under paragraph (4) or (5) of subdivision (a) of Section 3031. However, that license shall not qualify as evidence required in subdivision (a) of this section.

SEC. 4. Section 7149 of the Fish and Game Code is amended to read:

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

(1) A resident of this state, over the age of 16 years, upon payment during the 1987 calendar year, or, if issued after the beginning of the year, for the remainder thereof, upon payment of a fee of eighteen dollars (\$18), or upon the payment during a calendar year beginning on or after January 1, 1988, of the base fee of sixteen dollars and seventy-five cents (\$16.75), as adjusted under Section 713.

(2) A nonresident, over the age of 16 years, 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 forty-five dollars (\$45), as adjusted under Section 713.



(3) A nonresident, over the age of 16 years for the period of 10 consecutive days beginning on the date of purchase upon payment of the fee set forth in paragraph (1), as adjusted under Section 713.

(4) A resident or nonresident, over the age of 16 years, for one designated day, upon payment of the base fee of seven dollars (\$7) as adjusted under Section 713. 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.

(b) A sport ocean fishing license granting the licensee to take any fish from ocean waters of this state for purposes other than profit shall be issued to a resident of this state, over the age of 16 years, 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 ten dollars (\$10), as adjusted under Section 713.

(c) A sport ocean fin fishing license granting the privilege to take only fin fish from the ocean waters of this state for purposes other than profit shall be issued to a person over the age of 16 years for one designated day, upon the payment for a designated day in the license year beginning on January 1 of the base fee of four dollars (\$4), as adjusted under Section 713.

(d) For the purposes of this section, the adjustment under Section 713 shall be calculated and added to the base fees to establish the fees paid for licenses issued in the license years beginning on and after January 1, 1988, in accordance with Section 713.

(e) California sportfishing license stamps shall be sold by license agents in the same manner as sportfishing licenses, and no compensation shall be paid to the license agent for sale of the stamps except as provided in Section 1055.

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

7151. (a) Upon application to the headquarters office of the department in Sacramento, the following persons, who have not been convicted of any violation of this code, shall be issued, free of any charge or fee, a free sportfishing license, which is valid for the calendar year of issue or, if issued after the beginning of the year, for the remainder thereof and which authorizes the licensee to take any fish, reptile, or amphibia anywhere in this state for purposes other than profit:

(1) A blind person upon presentation of proof of blindness. "Blind person" means a person with central vision acuity of 20/200 or less in the better eye, with the aid of the best possible correcting glasses, or central visual acuity better than 20/200 if the widest diameter of the remaining visual field is no greater than 20 degrees. Proof of blindness shall be by certification from a qualified licensed optometrist or ophthalmologist or by presentation of a license issued pursuant to this paragraph in the preceding license year.



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

(3) Upon certification by the person in charge of a state hospital, a person who is a ward of the state and who is a patient in, and resides in, the state hospital.

(4) Upon certification by the person in charge of the regional center for the developmentally disabled, a developmentally disabled person receiving services from the regional center.

(5) A person who is a resident of the state and who is so severely physically disabled as to be permanently unable to move from place to place without the aid of a wheelchair, walker, forearm crutches, or a comparable mobility-related device. Proof of the disability shall be by certification from a licensed physician and surgeon or, beginning January 1, 1997, by presentation of a license issued pursuant to this paragraph for the preceding year.

(b) Upon application to the headquarters office of the department in Sacramento, the department may issue, free of any charge or fee, a sportfishing permit to fish to groups of mentally or physically handicapped persons under the care of a certified federal, state, county, city, or private licensed care center. The care center shall provide evidence that it is a legitimate licensed care center. The permit shall be issued to the person in charge of the group and shall be in his or her possession when the group is fishing. The permit shall include the location where the activity will take place and the maximum number of people in the group. The permitholder shall notify the local department office before fishing and indicate where, when, and how long the group will fish.

(c) On January 15 of each year, the department shall determine the number of free sportfishing licenses issued under subdivisions (a) and (b) to blind persons, indigent resident Native Americans, wards of the state, developmentally disabled persons, and physically disabled persons.

(d) There shall be appropriated from the General Fund a sum equal to two dollars (\$2) per free sportfishing license issued under subdivisions (a) and (b), as determined by the department pursuant to subdivision (c). That sum may be appropriated annually in the Budget Act for transfer to the Fish and Game Preservation Fund and appropriated in the Budget Act from the Fish and Game Preservation Fund to the department for the purposes of this part.

