

## Assembly Bill No. 2230

### CHAPTER 247

An act to amend Sections 206, 1055, 3031, and 3050 of, and to amend, repeal, and add Section 7149 of, the Fish and Game Code, relating to fish and game.

[Approved by Governor August 3, 1998. Filed with Secretary of State August 4, 1998.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2230, B. Thompson. Fish and game.

(1) Existing law requires the Fish and Game Commission, in odd-numbered years, to hold meetings in the last 10 days of August and in the first 10 days of October, November, and December for the purpose of considering and adopting revisions to regulations relating to fish, amphibia, and reptiles, as specified.

This bill instead would require the commission to hold its August meeting during the first 10 days of that month.

(2) Under existing law, the Department of Fish and Game may authorize any person, except as provided, to be a license agent to issue punch cards, licenses, license stamps, and license tags. Under existing law, the department may provide the cards, licenses, stamps, and tags, to a license agent on consignment, as specified, or, alternatively, the department may collect, in cash or cashier's check, at the time the documents are provided, an amount equal to the fees for all of the cards, licenses, stamps, and tags provided.

This bill would eliminate the reference to payment by cash or cashier's check under the alternative payment arrangement.

(3) Existing law requires every person who takes any bird or mammal to first obtain a license issued by the department. In particular, existing law provides for the issuance of a hunting license to a nonresident of this state, valid only at an organizational field trial, as specified, upon the payment of a base fee of \$15, as adjusted.

This bill would eliminate that organizational field trial license.

(4) Existing law requires a person applying for a hunting license to produce evidence that he or she has previously been issued a hunting license, as specified, or has completed a hunter safety course, as specified. Existing law excepts from this requirement, nonresidents applying for a 2-day license to take specified game birds and mammals, and nonresidents applying for a one-day license to take domesticated game birds and pheasants, as specified.

This bill, instead, would require the nonresidents applying for the 2-day hunting license to meet the above evidence requirements.

(5) Existing law requires every person over the age of 16 years who takes any fish, reptile, or amphibia for any purpose other than for profit to first obtain a license issued by the department for that purpose. Existing law specifies the types of sportfishing licenses that may be obtained, and in particular, provides for the issuance of a license to a nonresident of California, as specified, for a 10-day consecutive period beginning on the date of purchase of the license.

This bill, instead, would provide for the 10-day consecutive period for that license to begin on the date specified on the license.

Existing law also provides for the issuance of a sportfishing license to a resident or nonresident, over the age of 16 years, for one designated day, upon the payment of a base fee of \$7, as adjusted.

This bill would, until January 1, 2002, make that license valid for 2 consecutive designated days, upon the payment of the base fee.

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

SECTION 1. Section 206 of the Fish and Game Code is amended to read:

206. (a) In addition to, or in conjunction with, other regular or special meetings the commission shall, in odd-numbered years, hold meetings in the first 10 days of August, October, November, and December for the purpose of considering and adopting revisions to regulations relating to fish, amphibia, and reptiles. The commission shall alternate the locations of the August and December meetings between Los Angeles or Long Beach and Sacramento, and the October and November meetings between San Diego and Redding or Red Bluff.

(b) At the August meeting, the commission shall receive recommendations for regulations from its own members and staff, the department, other public agencies, and the public.

(c) At the October and November meetings, the commission shall devote time for open public discussion of proposed regulations presented at the August meeting. The department shall participate in this discussion by reviewing and presenting its findings regarding each regulation proposed by the public and by responding to objections raised pertaining to its proposed regulations. After considering the public discussion, the commission shall announce, prior to adjournment of the November meeting, the regulations it intends to add, amend, or repeal relating to fish, amphibia, and reptiles.

(d) At the December meeting, the commission may choose to hear additional public discussion regarding the regulations it intends to adopt. At, or within 20 days after, the meeting, the commission shall add, amend, or repeal regulations relating to any recommendation received at the August meeting regarding fish,



amphibia, and reptiles it deems necessary to preserve, properly utilize, and maintain each species or subspecies.

(e) Within 45 days after adoption, the department shall publish and distribute regulations adopted pursuant to this section.

SEC. 2. Section 1055 of the Fish and Game Code is amended to read:

1055. (a) The department may authorize any person, except a commissioner or an officer or employee of the department, to be a license agent to issue punch cards, licenses, license stamps, and license tags. It may consign punch cards, licenses, license stamps, and license tags to license agents without receiving payment therefor, upon application of the license agent and upon the giving of a bond or assigning a certificate of deposit, payable to the department, as provided in this article. It may not consign any punch cards, licenses, license stamps, and license tags to any license agent who fails to submit the report required by subdivision (a) of Section 1055.5 within one month and 20 days following the last day of that calendar month or who otherwise fails to fully comply with Section 1055.5.

(b) A license agent authorized under subdivision (a) shall add a handling charge to the fees, which fees are prescribed in this code or in regulations adopted pursuant to this code, for applications, punch cards, licenses, license stamps, and license tags issued by the license agent in an amount that is 5 percent of the face value of the item rounded to the nearest five cents (\$0.05).

(c) The handling charge added under subdivision (b) shall be incorporated into the total amount collected for issuing the punch card, license, license stamp, or license tag, but the handling charge may not be included when determining license fees in accordance with Section 713. License agents may issue any punch card, license, license stamp, or license tag for any amount that is up to 10 percent less than the fee prescribed in this code or in regulations adopted pursuant to this code. The license agent shall remit to the department the full amount of the fees as prescribed in this code or in regulations adopted pursuant to this code for all punch cards, licenses, license stamps, or license tags issued.

(d) The handling charge required by subdivision (b) is the license agent's only compensation for services. No other additional fee or charge may be made by the license agent for issuing punch cards, licenses, license stamps, or license tags authorized under this section.

(e) The department may 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 a license agent for the sale of lifetime licenses issued pursuant to Sections 714, 3031.2, and 7149.2. These licenses may be sold by auction or by other methods and are not subject to the fee limitations prescribed in this code. An agent authorized to issue lifetime sport fishing licenses, lifetime hunting licenses, and lifetime sportsman's



licenses under this subdivision is exempt from subdivisions (b) and (d). The license agent shall remit to the department all revenue derived from the sale of the lifetime licenses.

(f) In order to facilitate the prompt remittance of fees and more accurate accounting of licenses, license stamps, and license tags provided for issuance to license agents, the department shall provide them in books containing licenses, license stamps, or license tags that do not exceed the total fees for 20 resident sport fishing licenses. This subdivision does not apply to nonresident licenses and nonresident license tags.

(g) At any single business location, a license agent shall issue all items from a single book before commencing to issue licenses, license stamps, or license tags of the same series from another book.

(h) The department, alternatively, may provide for the issuance of punch cards, licenses, license stamps, and license tags to authorized license agents and shall collect at the time the documents are provided an amount equal to the fees for all of the punch cards, licenses, license stamps, and license tags provided. Any license agent who pays the fees for punch cards, licenses, license stamps, and license tags provided is exempt from subdivisions (a) and (e) of Section 1055.5, Section 1056, and Section 1059. Punch cards, licenses, license stamps, and license tags provided pursuant to this subdivision and remaining unissued at the end of the license year may be returned to the department, within 60 days of their expiration date, for refund or credit, or a combination thereof.

(i) All unissued and expired punch cards, licenses, license stamps, and license tags shall be returned to the department. Any license agent who does not return them within one month and 20 days following the last day of the license year may not be provided additional punch cards, licenses, license stamps, or license tags until the unissued and expired punch cards, licenses, license stamps, and license tags have been returned to the department. In addition, any unissued and expired item that is not returned within 60 days following the last day of the license year shall be billed to the license agent. Items may be returned for credit after the 60 days; however, the license agent shall pay interest and penalties on the returned items as prescribed in subdivision (b) of Section 1059. No credit may be allowed after six months following the last day of the license year.

SEC. 3. Section 3031 of the Fish and Game Code is amended to read:

3031. (a) A hunting license, granting the privilege to take birds and mammals, shall be issued to any of the following:

(1) A resident of this state, 16 years of age or older, upon the payment of a base fee of seventeen dollars (\$17), as adjusted under Section 713.

(2) A person under the age of 16 years, upon the payment of a base fee of four dollars (\$4), as adjusted under Section 713.



(3) A person not a resident of this state, 16 years of age or older, upon the payment of a base fee of fifty-nine dollars (\$59), as adjusted under Section 713.

(4) A person not a resident of this state, 16 years of age or older, valid only for two consecutive days upon payment of a base fee of twenty-five dollars (\$25), as adjusted under Section 713. A license issued pursuant to this paragraph is valid only for taking resident and migratory game birds, resident small game mammals, fur-bearing mammals, and nongame mammals, as defined in this code or in regulations adopted by the commission.

(5) A person not a resident of this state, valid for one day and only for the taking of domesticated game birds and pheasants while on the premises of a licensed game bird club, or for the taking of domesticated migratory game birds in areas licensed for shooting those birds, upon the payment of a base fee of eight dollars (\$8), as adjusted under Section 713.

(b) The adjustment of the base fees under Section 713, which are specified in paragraphs (1) to (5), inclusive, of subdivision (a), are applicable to the hunting license years beginning on and after July 1, 1988.

SEC. 4. Section 3050 of the Fish and Game Code is amended to read:

3050. (a) No hunting license may 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 purchasing a hunting license under paragraph (5) of subdivision (a) of Section 3031. However, that license may not qualify as evidence required in subdivision (a) of this section.

SEC. 5. 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 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 specified on the license 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 two consecutive designated calendar days, upon payment of the base fee of seven dollars (\$7) as adjusted under Section 713. 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.

(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 may be paid to the license agent for sale of the stamps except as provided in Section 1055.

(f) This section shall remain in effect until January 1, 2002, and as of that date is repealed unless a later enacted statute, which is enacted on or before January 1, 2002, deletes or extends that date.

SEC. 6. Section 7149 is added to the Fish and Game Code, 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 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 specified on the license 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 may be paid to the license agent for sale of the stamps except as provided in Section 1055.

(f) This section shall become operative on January 1, 2002.

