

Introduced by Senator Harman

February 27, 2009

An act to amend Sections 331, 332, 1528, 3686, 4332, 4656, 4751, 4902, and 4903 of, to add Sections 711.1, 711.5, and 3953 to, to repeal Section 3685 of, and to repeal and add Sections 3684 and 4334 of, the Fish and Game Code, relating to hunting.

LEGISLATIVE COUNSEL'S DIGEST

SB 589, as introduced, Harman. Game hunting.

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 requires the Department of Fish and Game to operate wildlife management areas on a nonprofit basis for multiple recreational uses. Existing law authorizes the department to issue an annual wildlife area pass or a day use pass that authorizes the bearer to enter and use facilities and programs on designated department-managed lands. Existing law grants authority to the Fish and Game Commission to issue tags and licenses for the hunting of antelope, elk, upland game birds, deer, wild pigs, bears, and bighorn sheep upon payment of a fee, to be deposited into the fund.

This bill would establish the Wildlife Management Areas Hunting Programs Account within the fund to permit separate accountability for the receipt and, subject to appropriation, the prescribed expenditure of revenues from wildlife management area use.

The bill would establish the Upland Game Bird Account within the fund to permit separate accountability for the receipt and, subject to

appropriation, the prescribed expenditure of revenues from upland game bird validations and stamps.

The bill would establish the Big Game Account within the fund to permit separate accountability for the receipt and, subject to appropriation, the prescribed expenditure of revenues from antelope, elk, deer, wild pig, bear, and bighorn sheep tags.

The bill would exempt projects funded from the accounts from the State Contract Act and from statutory provisions relating to the Disabled Veteran Business Enterprise Program.

The bill would make various conforming changes relating to the establishment of the accounts.

The bill would require the department, as part of its annual budget proposal for the 2010–11 fiscal year that is subject to legislative approval as part of the annual Budget Act, to include adequate funding, as determined by the department, to begin the process of developing plans to implement the strategies in the California Comprehensive Wildlife Action Plan. The bill would require the department, prior to implementing those strategies, to create an implementation committee to advise and assist the department in implementing the plan.

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 331 of the Fish and Game Code is
- 2 amended to read:
- 3 331. (a) The commission may determine and fix the area or
- 4 areas, the seasons and hours, the bag and possession limit, and the
- 5 sex and total number of antelope (*Antilocapra americana*) that may
- 6 be taken under regulations that the commission may adopt from
- 7 time to time. Only a person possessing a valid hunting license,
- 8 who has not received an antelope tag under these provisions during
- 9 a period of time specified by the commission, may obtain a tag for
- 10 the taking of antelope.
- 11 (b) The department may issue a tag upon payment of a fee. The
- 12 fee for a tag shall be fifty-five dollars (\$55) for a resident of the
- 13 state, as adjusted under Section 713. On or before July 1, 2007,
- 14 the commission shall, by regulation, fix the fee for a nonresident
- 15 of the state at not less than a fee of three hundred fifty dollars
- 16 (\$350), as adjusted under Section 713. The fee shall be deposited

1 in the ~~Fish and Game Preservation Fund~~ *Big Game Management*
2 *Account established in Section 3953* and, upon appropriation by
3 the Legislature, shall be expended, in addition to moneys budgeted
4 for salaries of persons in the department, for the expense of
5 implementing this section.

6 (c) The commission shall direct the department to annually
7 authorize not less than one antelope tag or more than 1 percent of
8 the total number of tags available for the purpose of raising funds
9 for programs and projects to benefit antelope. These tags may be
10 sold at auction to residents or nonresidents of the state or by another
11 method and are not subject to the fee limitation prescribed in
12 subdivision (b). *All revenues from sales pursuant to this subdivision*
13 *shall be deposited in the Big Game Management Account*
14 *established in Section 3953.*

15 (d) The commission shall direct the department to annually
16 authorize one antelope tag of the total number of tags available
17 for issuance to nonresidents of the state.

18 SEC. 2. Section 332 of the Fish and Game Code is amended
19 to read:

20 332. (a) The commission may determine and fix the area or
21 areas, the seasons and hours, the bag and possession limit, and the
22 number of elk that may be taken under rules and regulations that
23 the commission may adopt from time to time. The commission
24 may authorize the taking of tule elk if the average of the
25 department's statewide tule elk population estimates exceeds 2,000
26 animals, or the Legislature determines, pursuant to the reports
27 required by Section 3951, that suitable areas cannot be found in
28 the state to accommodate that population in a healthy condition.

29 (b) Only a person possessing a valid hunting license may obtain
30 a tag for the taking of elk.

31 (c) The department may issue an elk tag upon payment of a fee.
32 The fee for a tag shall be one hundred sixty-five dollars (\$165) for
33 a resident of the state, as adjusted under Section 713. On or before
34 July 1, 2007, the commission shall, by regulation, fix the fee for
35 a nonresident of the state at not less than one thousand fifty dollars
36 (\$1,050), as adjusted under Section 713. The fees shall be deposited
37 in the ~~Fish and Game Preservation Fund~~ *Big Game Management*
38 *Account established in Section 3953* and, upon appropriation by
39 the Legislature, shall be expended, in addition to moneys budgeted

1 for salaries of the department, for the expenses of implementing
2 this section and Section 3951.

3 (d) The commission shall annually direct the department to
4 authorize not more than three elk hunting tags for the purpose of
5 raising funds for programs and projects to benefit elk. These tags
6 may be sold at auction to residents or nonresidents of the state or
7 by another method and are not subject to the fee limitation
8 prescribed in subdivision (c). *All revenues from sales pursuant to*
9 *this subdivision shall be deposited in the Big Game Management*
10 *Account established in Section 3953.*

11 (e) The commission shall direct the department to annually
12 authorize one elk tag of the total number of tags available for
13 issuance to nonresidents of the state.

14 SEC. 3. Section 711.1 is added to the Fish and Game Code, to
15 read:

16 711.1. The department shall annually maintain on its Internet
17 Web site, and include in the annual State Budget submitted by the
18 Governor, a fund condition statement that displays information on
19 the condition of revenues and expenditures both for dedicated and
20 nondedicated revenue sources.

21 SEC. 4. Section 711.5 is added to the Fish and Game Code, to
22 read:

23 711.5. (a) The Legislature finds and declares all of the
24 following:

25 (1) In 2000, the United States Congress enacted the State
26 Wildlife Grants Program to support state programs that broadly
27 benefit wildlife and habitats, particularly species having the greatest
28 need for conservation that are not protected under the federal
29 Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.).

30 (2) As a requirement of receiving federal funding under this
31 program, the department agreed to submit a comprehensive wildlife
32 conservation strategy to the United States Fish and Wildlife
33 Service.

34 (3) Congress intended that the wildlife conservation strategies
35 developed by state fish and wildlife agencies guide future nongame
36 wildlife conservation actions by these state agencies and
37 conservation actions taken by others on behalf of nongame species.

38 (4) Congress directed state fish and wildlife agencies to develop
39 wildlife conservation strategies, provide a process for reviewing

1 and updating these strategies at intervals not to exceed 10 years,
2 and develop plans for implementing these strategies.

3 (5) Congress has affirmed that broad public participation is an
4 essential element of developing and implementing these strategies.

5 (6) The department faces increasing responsibilities to conserve
6 nongame wildlife with limited resources.

7 (7) In 2006, the department submitted its comprehensive wildlife
8 conservation strategy, the California Comprehensive Wildlife
9 Action Plan, to the United States Fish and Wildlife Service.

10 (8) The California Comprehensive Wildlife Action Plan includes
11 a detailed review of the status of California's nongame wildlife
12 populations and the conservation actions that are recommended
13 to protect and conserve these species.

14 (9) The California Comprehensive Wildlife Action Plan provides
15 the department with the opportunity to identify, assess, and
16 prioritize its nongame wildlife conservation needs and actions for
17 the future.

18 (b) The department, as part of its annual budget proposal for
19 the 2010–11 fiscal year that is subject to approval by the
20 Legislature as part of the annual Budget Act, shall include adequate
21 funding, as determined by the department, to begin the process of
22 developing plans to implement the strategies in the California
23 Comprehensive Wildlife Action Plan.

24 (c) Prior to implementing those strategies, the department shall
25 create an implementation committee to advise and assist the
26 department in implementing the plan, including, but not limited
27 to, prioritizing the conservation actions identified in the plan,
28 reviewing and updating the conservation goals and actions, and
29 identifying potential funding options to implement the plan. The
30 implementation committee shall be comprised of a balanced group
31 of stakeholders who have an interest in nongame conservation,
32 and shall consist of representatives from the department, other
33 state agencies, local government, federal agencies,
34 nongovernmental conservation organizations, landowners,
35 agriculture, recreation, scientific entities, industry, and other
36 interested parties. To the extent feasible, the department shall work
37 with existing collaborative efforts, including, but not limited to, a
38 joint venture formed pursuant to the United States Fish and Wildlife
39 Service Director's Order No. 146.

SEC. 5. Section 1528 of the Fish and Game Code is amended to read:

1528. (a) Lands, or lands and water, acquired for public shooting grounds, state marine (estuarine) recreational management areas, or wildlife management areas shall be operated on a nonprofit basis by the department. Multiple recreational use of wildlife management areas is desirable and that use shall be encouraged by the commission. ~~Except~~

(b) *Except* for hunting and fishing purposes, only minimum facilities to permit other forms of multiple recreational use, such as camping, picnicking, boating, or swimming, shall be provided. Except as provided in Section 1765, and to defray the costs associated with multiple use, the commission may determine and fix the amount of, and the department shall collect, fees for any use privileges. However, tours by organized youth and school groups are exempt from the payment of those fees. ~~Only~~

(c) *Only* persons holding valid hunting licenses may apply for or obtain shooting permits for public shooting grounds, state marine (estuarine) recreational management areas, or wildlife management areas.

(d) *All fees collected from the public for the use of department-owned or operated lands for hunting purposes, including, but not limited to, fees collected through the sale of day use and annual passes provided in Section 1765 and any reservation application revenues, shall be deposited in the Wildlife Management Areas Hunting Programs Account, which is hereby established within the Fish and Game Preservation Fund to permit separate accountability for the receipt and expenditure of these funds.*

(e) *Funds deposited in the Wildlife Management Areas Hunting Programs Account shall be available upon appropriation by the Legislature to the department. These funds shall be used solely for public hunting, habitat enhancement, wildlife conservation, and related administrative and enforcement purposes on department-owned or operated lands, that include, but are not necessarily limited to, a public hunting program. The department may also use these funds to enter into contracts or to award grants to reimburse, upon completion of the projects, nonprofit organizations described in Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)) for related conservation*

1 projects. The department may also use funds from the Wildlife
2 Management Areas Hunting Programs Account to pay for
3 administrative and enforcement costs of the programs and activities
4 described in this section. The amount allocated from the account
5 for administrative costs shall be limited to the reasonable costs
6 associated with direct administration of the programs and activities
7 described in this section.

8 (f) The department may make grants or enter into contracts with
9 nonprofit organizations for the use of the funds from the Wildlife
10 Management Areas Hunting Programs Account when it finds that
11 the contracts are necessary for carrying out the purposes of
12 subdivision (e).

13 (g) A subcommittee of the commission that includes interested
14 nonprofit organizations that have goals and objectives directly
15 related to the management and conservation of waterfowl and
16 upland game bird species and primarily represent the interests of
17 persons licensed pursuant to Section 3031 shall review and provide
18 comments to the department on all proposed projects funded from
19 the Wildlife Management Areas Hunting Programs Account to
20 help ensure that the requirements of this section have been met.
21 The department shall post budget information and a brief
22 description on its Internet Web site for all projects funded from
23 the Wildlife Management Areas Hunting Programs Account.

24 (h) Projects authorized pursuant to this section are not subject
25 to Part 2 (commencing with Section 10100) of Division 2 of the
26 Public Contract Code or Article 6 (commencing with Section 999)
27 of Chapter 6 of Division 4 of the Military and Veterans Code.

28 (i) The department shall maintain the internal accountability
29 necessary to ensure compliance with the collection, deposit, and
30 expenditure of revenues as specified in this section.

31 SEC. 6. Section 3684 of the Fish and Game Code is repealed.

32 ~~3684. All funds derived from the sale of upland game bird~~
33 ~~hunting validations and upland game bird stamps shall be deposited~~
34 ~~in the Fish and Game Preservation Fund and shall be expended~~
35 ~~solely for the purposes specified in Section 3685. The department~~
36 ~~shall maintain the internal accountability necessary to ensure that~~
37 ~~all restrictions and requirements pertaining to the expenditure of~~
38 ~~revenues received pursuant to this section are met.~~

39 SEC. 7. Section 3684 is added to the Fish and Game Code, to
40 read:

1 3684. (a) The Upland Game Bird Account is hereby established
2 within the Fish and Game Preservation Fund.

3 (b) All funds derived from the sale of upland game bird hunting
4 validations and upland game bird stamps shall be deposited in the
5 Upland Game Bird Account to permit separate accountability for
6 the receipt and expenditure of these funds.

7 (c) Funds deposited in the Upland Game Bird Account shall be
8 available for expenditure upon appropriation by the Legislature to
9 the department. These funds shall be expended solely for the
10 purpose of acquiring land, completing projects and implementing
11 programs to benefit the upland game bird species, and for related
12 public hunting opportunities and related public outreach. The
13 department may also use these funds to enter into contracts or to
14 award grants to reimburse, upon completion of the projects,
15 nonprofit organizations described in Section 501(c)(3) of the
16 Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)) for related
17 habitat projects. Any land acquired with funds from the Upland
18 Game Bird Account shall be acquired in fee title or protected with
19 a conservation easement and, to the extent possible, be open or
20 provide access to the public for upland game bird hunting. The
21 department may also use funds from the Upland Game Bird
22 Account to pay for administrative and enforcement costs of the
23 programs and activities described in this section. The amount
24 allocated from the account for administrative costs shall be limited
25 to the reasonable costs associated with direct administration of the
26 programs and activities described in this section.

27 (d) A subcommittee of the commission that includes interested
28 nonprofit organizations that have goals and objectives directly
29 related to the management and conservation of upland game bird
30 species and primarily represent the interests of persons licensed
31 pursuant to Section 3031 shall review and provide comments to
32 the department on all proposed projects funded from the Upland
33 Game Bird Account to help ensure that the requirements of this
34 section have been met. The department shall post budget
35 information and a brief description on its Internet Web site for all
36 projects funded from the Upland Game Bird Account.

37 (e) Upland game bird projects authorized pursuant to this section
38 are not subject to Part 2 (commencing with Section 10100) of
39 Division 2 of the Public Contract Code or Article 6 (commencing

1 with Section 999) of Chapter 6 of Division 4 of the Military and
2 Veterans Code.

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

6 SEC. 8. Section 3685 of the Fish and Game Code is repealed.

7 ~~3685. Funds received pursuant to Section 3684 shall be~~
8 ~~annually available for appropriation by the Legislature for~~
9 ~~programs, projects, and land acquisitions to benefit upland game~~
10 ~~bird species, and for related hunting opportunities and public~~
11 ~~outreach.~~

12 ~~This section shall become operative on July 1, 1993.~~

13 SEC. 9. Section 3686 of the Fish and Game Code is amended
14 to read:

15 3686. Projects authorized pursuant to Section ~~3685~~ 3684 shall
16 be governed by Section 1501.5. With the approval of the entity in
17 control of property affected by a project, the department may make
18 grants to, or enter into contracts with, nonprofit organizations for
19 the accomplishment of those projects, or the department may
20 reimburse the controlling entity for its costs of accomplishing the
21 project.

22 ~~This section shall become operative on July 1, 1993.~~

23 SEC. 10. Section 3953 is added to the Fish and Game Code,
24 to read:

25 3953. (a) The Big Game Management Account is hereby
26 established within the Fish and Game Preservation Fund.

27 (b) All revenues from the sale of antelope, elk, deer, wild pig,
28 bear, and sheep tags, including any fundraising tags, shall be
29 deposited in the Big Game Management Account to permit separate
30 accountability for the receipt and expenditure of these funds.

31 (c) Funds deposited in the Big Game Management Account
32 shall be available for expenditure upon appropriation by the
33 Legislature to the department. These funds shall be expended solely
34 for the purposes set forth in this section and Sections 331, 332,
35 3951, 3952, 4332, 4334, and 4751, and Chapter 5 (commencing
36 with Section 450) of Division 1, Chapter 7 (commencing with
37 Section 4650), and Chapter 11 (commencing with Section 4900),
38 including acquiring land, completing projects, and implementing
39 programs to benefit antelope, elk, deer, wild pigs, bear, and sheep,
40 and expanding public hunting opportunities and related public

1 outreach. The department may also use these funds to enter into
2 contracts or to award grants to reimburse, upon completion of the
3 projects, nonprofit organizations described in Section 501(c)(3)
4 of the Internal Revenue Code (26 U.S.C. Sec. 501 (c)(3)) for related
5 conservation projects. Any land acquired with funds from the Big
6 Game Management Account shall be acquired in fee title or
7 protected with a conservation easement and, to the extent possible,
8 be open or provide access to the public for antelope, elk, deer, wild
9 pig, bear, or sheep hunting. The department may also use funds
10 from the Big Game Management Account to pay for administrative
11 and enforcement costs of the programs and activities described in
12 this section. The amount allocated from the account for
13 administrative costs shall be limited to the reasonable costs
14 associated with direct administration of the programs and activities
15 described in this section.

16 (d) The department may make grants or enter into contracts
17 with nonprofit organizations for the use of the funds from the Big
18 Game Management Account when it finds that the contracts are
19 necessary for carrying out the purposes of this article.

20 (e) A subcommittee of the commission that includes interested
21 nonprofit organizations that have goals and objectives directly
22 related to the management and conservation of big game species
23 and primarily represent the interests of persons licensed pursuant
24 to Section 3031 shall review and provide comments to the
25 department on all proposed projects funded from the Big Game
26 Management Account to help ensure that the requirements of this
27 section have been met. The department shall post budget
28 information and a brief description on an Internet Web site for all
29 projects funded from the Big Game Management Account.

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

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

37 SEC. 11. Section 4332 of the Fish and Game Code is amended
38 to read:

39 4332. (a) Any resident of this state, 12 years of age or over,
40 who possesses a valid hunting license, may procure one tag for

1 the taking of one deer by one person during the current license
2 year, upon payment of the base fee of ten dollars (\$10) for the
3 license year beginning July 1, 1986, and the base fee as adjusted
4 under Section 713 for subsequent license years.

5 (b) Any nonresident of this state, 12 years of age or over, who
6 possesses a valid hunting license, may procure one tag for the
7 taking of one deer by one person during the current license year,
8 upon payment of the base fee of one hundred dollars (\$100) for
9 the license year beginning July 1, 1986, and the base fee as adjusted
10 under Section 713 for subsequent license years.

11 (c) If provided in regulations adopted by the commission under
12 Section 200, any resident of this state, 12 years of age or over,
13 who possesses a deer tag may procure one additional deer tag for
14 the taking of one additional deer during the current license season,
15 upon payment of the base fee of twelve dollars and fifty cents
16 (\$12.50) for the license years beginning July 1, 1986, and the base
17 fee as adjusted under Section 713 for subsequent license years.

18 (d) If provided in regulations adopted by the commission under
19 Section 200, any nonresident of this state, 12 years of age or over,
20 who possesses a deer tag may procure one additional deer tag for
21 the taking of one additional deer during the current license season,
22 upon payment of the base fee of one hundred dollars (\$100) for
23 the license year beginning July 1, 1986, and the base fee as adjusted
24 under Section 713 for subsequent license years.

25 ~~(e) The revenue received pursuant to this section shall be~~
26 ~~deposited in the Fish and Game Preservation Fund, and,~~
27 ~~notwithstanding Section 13340 of the Government Code, 54~~
28 ~~percent of the amount deposited in that fund pursuant to this section~~
29 ~~each year is hereby continuously appropriated to the department~~
30 ~~for expenditure for the purpose of implementing the deer herd~~
31 ~~management plans prepared pursuant to Chapter 5 (commencing~~
32 ~~with Section 450) of Division 1.~~

33 ~~The amount appropriated for implementation of deer herd~~
34 ~~management plans by this subdivision is intended to be in addition~~
35 ~~to, and not a replacement for, the funds budgeted in that year or~~
36 ~~the previous year to the department from the Fish and Game~~
37 ~~Preservation Fund for deer management.~~

38 *(e) All revenues pursuant to this section shall be deposited in*
39 *the Big Game Management Account established in Section 3953*

1 *and, upon appropriation by the Legislature, shall be expended for*
2 *deer conservation and management purposes.*

3 SEC. 12. Section 4334 of the Fish and Game Code is repealed.

4 ~~4334. The commission shall annually direct the department to~~
5 ~~authorize, pursuant to Sections 1054.6 and 1054.8, the sale of not~~
6 ~~more than 10 deer tags solely for the purpose of raising funds for~~
7 ~~programs and projects to benefit deer. These tags may be sold to~~
8 ~~residents or nonresidents of the State of California at auction or~~
9 ~~by any other method and are not subject to the fees prescribed by~~
10 ~~Section 4332. Notwithstanding Section 13340 of the Government~~
11 ~~Code, all funds derived from the sale of these tags is hereby~~
12 ~~continuously appropriated to the department to be used for the~~
13 ~~Deer Herd Management Plan Implementation Program. These~~
14 ~~funds shall augment, not supplant, any other funds appropriated~~
15 ~~to the department for the preservation, restoration, utilization, and~~
16 ~~management of deer. All revenues derived from the sale of these~~
17 ~~tags shall be remitted to the department by the seller.~~

18 SEC. 13. Section 4334 is added to the Fish and Game Code,
19 to read:

20 4334. (a) The commission shall annually direct the department
21 to authorize, pursuant to Section 1054.8, the sale of not more than
22 10 deer tags for the purpose of raising funds for programs and
23 projects to benefit deer. All revenue from the sale of tags pursuant
24 to this section shall be deposited in the Big Game Management
25 Account established in Section 3953.

26 (b) These tags may be sold to residents or nonresidents of the
27 State of California at auction or by any other method and are not
28 subject to the fees prescribed by Section 4332.

29 (c) These funds shall augment, not supplant, any other funds
30 appropriated to the department for the preservation, restoration,
31 utilization, and management of deer. All revenues derived from
32 the sale of these tags shall be remitted to the department by the
33 seller.

34 SEC. 14. Section 4656 of the Fish and Game Code is amended
35 to read:

36 4656. Revenues received pursuant to this chapter shall be
37 deposited in the ~~Fish and Game Preservation Fund~~ *Big Game*
38 *Management Account established in Section 3953.* These funds
39 shall be available for expenditure by the department solely for wild
40 pig management. The department shall maintain all internal

1 accounting measures necessary to ensure that all restrictions on
2 these funds are met.

3 SEC. 15. Section 4751 of the Fish and Game Code is amended
4 to read:

5 4751. (a) Any resident of this state, 12 years of age or over,
6 who possesses a valid hunting license, may procure the number
7 of bear tags corresponding to the number of bear that may legally
8 be taken by one person during the current license year, upon
9 payment of a base fee of fifteen dollars (\$15), as adjusted under
10 Section 713, for each bear tag. *Fee revenues pursuant to this*
11 *subdivision shall be deposited in the Big Game Management*
12 *Account established in Section 3953 and, upon appropriation by*
13 *the Legislature, shall be expended for bear conservation and*
14 *management purposes.*

15 (b) Any nonresident of this state, 12 years of age or over, who
16 possesses a valid California hunting license, may procure the
17 number of bear tags corresponding to the number of bear that may
18 be legally taken by one person during the current license year upon
19 payment of the base fee of one hundred five dollars (\$105), as
20 adjusted under Section 713, for each bear tag. *Fee revenues*
21 *pursuant to this subdivision shall be deposited in the Big Game*
22 *Management Account established in Section 3953 and, upon*
23 *appropriation by the Legislature, shall be expended for bear*
24 *conservation and management purposes.*

25 SEC. 16. Section 4902 of the Fish and Game Code is amended
26 to read:

27 4902. (a) The commission may adopt all regulations necessary
28 to provide for biologically sound management of Nelson bighorn
29 sheep (subspecies *Ovis canadensis nelsoni*).

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

37 (2) Notwithstanding Section 219, the commission shall not,
38 however, adopt regulations authorizing the sport hunting in a single
39 year of more than 15 percent of the mature Nelson bighorn rams

1 in a single management unit, based on the department's annual
2 estimate of the population in each management unit.

3 (c) The fee for a tag to take a Nelson bighorn ram may be
4 determined by the commission, but shall not exceed five hundred
5 dollars (\$500). *Fee revenues shall be deposited in the Big Game*
6 *Management Account established in Section 3953.*

7 (d) The commission shall annually direct the department to
8 authorize not more than three of the tags available for issuance
9 that year to take Nelson bighorn rams for the purpose of raising
10 funds for programs and projects to benefit Nelson bighorn sheep.
11 These tags may be sold to residents or nonresidents of the State
12 of California at auction or by another method and shall not be
13 subject to the fee limitation prescribed in subdivision (c).
14 Commencing with tags sold for the 1993 hunting season, if more
15 than one tag is authorized, the department shall designate a
16 nonprofit organization organized pursuant to the laws of this state,
17 or the California chapter of a nonprofit organization organized
18 pursuant to the laws of another state, as the seller of not less than
19 one of these tags. The number of tags authorized for the purpose
20 of raising funds pursuant to this subdivision, if more than one,
21 shall not exceed 15 percent of the total number of tags authorized
22 pursuant to subdivision (b). *All revenue from the sale of tags*
23 *pursuant to this subdivision shall be deposited in the Big Game*
24 *Management Account established in Section 3953.*

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

33 SEC. 17. Section 4903 of the Fish and Game Code is amended
34 to read:

35 4903. Revenue from the fees authorized by this chapter shall
36 be deposited in the ~~Fish and Game Preservation Fund~~ *Big Game*
37 *Management Account established in Section 3953* and shall be
38 expended solely for purposes of the bighorn sheep program.
39 ~~Notwithstanding Sections 711 and 13004, this revenue, upon~~
40 ~~appropriation by the Legislature, shall be available for expenditure~~

1 ~~by the department solely for programs and projects to benefit~~
2 ~~bighorn sheep and for the direct costs and administrative overhead~~
3 ~~incurred solely in carrying out the department's bighorn sheep~~
4 ~~activities.~~ Administrative overhead shall be limited to the
5 reasonable costs associated with the direct administration of the
6 program. These funds shall be used to augment, and not to replace,
7 moneys appropriated from existing funds available to the
8 department for the preservation, restoration, utilization, and
9 management of bighorn sheep. The department shall maintain
10 internal accountability necessary to ensure that all restrictions on
11 the expenditure of these funds are met.

O