

AMENDED IN ASSEMBLY JUNE 11, 2009

AMENDED IN SENATE MAY 13, 2009

AMENDED IN SENATE APRIL 21, 2009

SENATE BILL

No. 589

Introduced by Senator Harman

(Coauthor: Senator Aanestad)

(Coauthors: Assembly Members Bill Berryhill, DeVore, and Silva)

February 27, 2009

An act to amend Sections 331, 332, 1528, 3686, 4332, 4656, 4751, 4902, and 4903 of, to add Sections 711.1 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 amended, 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 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 Management 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.

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
17 in the Big Game Management Account established in Section 3953
18 and, upon appropriation by the Legislature, shall be expended, in
19 addition to moneys budgeted for salaries of persons in the
20 department as set forth in Section 3953.

21 (c) The commission shall direct the department to annually
22 authorize not less than one antelope tag or more than 1 percent of

the total number of tags available for the purpose of raising funds for programs and projects to benefit antelope. These tags may be sold at auction to residents or nonresidents of the state or by another method and are not subject to the fee limitation prescribed in subdivision (b). All revenues from sales pursuant to this subdivision shall be deposited in the Big Game Management Account established in Section 3953 and, upon appropriation by the Legislature, shall be expended as set forth in that section.

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

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

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

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

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

(d) The commission shall annually direct the department to authorize not more than three elk hunting tags for the purpose of raising funds for programs and projects to benefit elk. These tags may be sold at auction to residents or nonresidents of the state or by another method and are not subject to the fee limitation prescribed in subdivision (c). All revenues from sales pursuant to

1 this subdivision shall be deposited in the Big Game Management
2 Account established in Section 3953 and, upon appropriation by
3 the Legislature, shall be expended as set forth in that section.

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

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

9 711.1. The department shall annually maintain on its Internet
10 Web site, and include in the annual State Budget submitted by the
11 Governor, a fund condition statement that displays information on
12 the condition of revenues and expenditures both for dedicated and
13 nondedicated revenue sources.

14 SEC. 4. Section 1528 of the Fish and Game Code is amended
15 to read:

16 1528. (a) Lands, or lands and water, acquired for public
17 shooting grounds, state marine (estuarine) recreational management
18 areas, or wildlife management areas shall be operated on a
19 nonprofit basis by the department. Multiple recreational use of
20 wildlife management areas, *particularly the traditional use of*
21 *hunting and fishing*, is desirable and that use shall be encouraged
22 by the commission.

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

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

35 SEC. 5. Section 3684 of the Fish and Game Code is repealed.

36 SEC. 6. Section 3684 is added to the Fish and Game Code, to
37 read:

38 3684. (a) The Upland Game Bird Account is hereby established
39 within the Fish and Game Preservation Fund.

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

(c) Funds deposited in the Upland Game Bird Account shall be available for expenditure upon appropriation by the Legislature to the department. These funds shall be expended solely for the purpose of acquiring land, completing projects and implementing programs to benefit the upland game bird species, and ~~for related~~ *expanding* public hunting opportunities and related public outreach. 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 habitat projects. Any land acquired with funds from the Upland Game Bird Account shall be acquired in fee title or protected with a conservation easement and, to the extent possible, be open or provide access to the public for upland game bird hunting. The department may also use funds from the Upland Game Bird Account to pay for administrative and enforcement costs of the programs and activities described in this section. The amount allocated from the account for administrative costs shall be limited to the reasonable costs associated with ~~direct~~ administration of the programs and activities described in this section.

(d) An advisory committee, as determined by the department, that includes interested nonprofit organizations that have goals and objectives directly related to the management and conservation of upland game bird species and primarily represent the interests of persons licensed pursuant to Section 3031 shall review and provide comments to the department on all proposed projects funded from the Upland Game Bird Account to help ensure that the requirements of this section have been met. The department shall post budget information and a brief description on its Internet Web site for all projects funded from the Upland Game Bird Account.

(e) Upland game bird projects authorized pursuant to this section are not subject to Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code or Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

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

4 SEC. 7. Section 3685 of the Fish and Game Code is repealed.

5 SEC. 8. Section 3686 of the Fish and Game Code is amended
6 to read:

7 3686. Projects authorized pursuant to Section 3684 shall be
8 governed by Section 1501.5. With the approval of the entity in
9 control of property affected by a project, the department may make
10 grants to, or enter into contracts with, nonprofit organizations for
11 the accomplishment of those projects, or the department may
12 reimburse the controlling entity for its costs of accomplishing the
13 project.

14 SEC. 9. Section 3953 is added to the Fish and Game Code, to
15 read:

16 3953. (a) The Big Game Management Account is hereby
17 established within the Fish and Game Preservation Fund.

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

22 (c) Funds deposited in the Big Game Management Account
23 shall be available for expenditure upon appropriation by the
24 Legislature to the department. These funds shall be expended solely
25 for the purposes set forth in this section and Sections 3951 and
26 3952, and Chapter 5 (commencing with Section 450) of Division
27 1, Chapter 7 (commencing with Section 4650), and Chapter 11
28 (commencing with Section 4900), including acquiring land,
29 completing projects, and implementing programs to benefit
30 antelope, elk, deer, wild pigs, bear, and sheep, and expanding
31 public hunting opportunities and related public outreach. The
32 department may also use these funds to enter into contracts or to
33 award grants to reimburse, upon completion of the projects,
34 nonprofit organizations described in Section 501(c)(3) of the
35 Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)) for related
36 conservation projects. Any land acquired with funds from the Big
37 Game Management Account shall be acquired in fee title or
38 protected with a conservation easement and, to the extent possible,
39 be open or provide access to the public for antelope, elk, deer, wild
40 pig, bear, or sheep hunting. The department may also use funds

1 from the Big Game Management Account to pay for administrative
2 and enforcement costs of the programs and activities described in
3 this section. The amount allocated from the account for
4 administrative costs shall be limited to the reasonable costs
5 associated with ~~direct~~ administration of the programs and activities
6 described in this section.

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

11 (e) An advisory committee, as determined by the department,
12 that includes interested nonprofit organizations that have goals
13 and objectives directly related to the management and conservation
14 of big game species and primarily represent the interests of persons
15 licensed pursuant to Section 3031 shall review and provide
16 comments to the department on all proposed projects funded from
17 the Big Game Management Account to help ensure that the
18 requirements of this section have been met. The department shall
19 post budget information and a brief description on an Internet Web
20 site for all projects funded from the Big Game Management
21 Account.

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

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

29 SEC. 10. Section 4332 of the Fish and Game Code is amended
30 to read:

31 4332. (a) Any resident of this state, 12 years of age or over,
32 who possesses a valid hunting license, may procure one tag for
33 the taking of one deer by one person during the current license
34 year, upon payment of the base fee of ten dollars (\$10) for the
35 license year beginning July 1, 1986, and the base fee as adjusted
36 under Section 713 for subsequent license years.

37 (b) Any nonresident of this state, 12 years of age or over, who
38 possesses a valid hunting license, may procure one tag for the
39 taking of one deer by one person during the current license year,
40 upon payment of the base fee of one hundred dollars (\$100) for

1 the license year beginning July 1, 1986, and the base fee as adjusted
2 under Section 713 for subsequent license years.

3 (c) If provided in regulations adopted by the commission under
4 Section 200, any resident of this state, 12 years of age or over,
5 who possesses a deer tag may procure one additional deer tag for
6 the taking of one additional deer during the current license season,
7 upon payment of the base fee of twelve dollars and fifty cents
8 (\$12.50) for the license years beginning July 1, 1986, and the base
9 fee as adjusted under Section 713 for subsequent license years.

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

17 (e) All revenues pursuant to this section shall be deposited in
18 the Big Game Management Account established in Section 3953
19 and, upon appropriation by the Legislature, shall be expended as
20 set forth in that section.

21 SEC. 11. Section 4334 of the Fish and Game Code is repealed.

22 SEC. 12. Section 4334 is added to the Fish and Game Code,
23 to read:

24 4334. (a) The commission shall annually direct the department
25 to authorize, pursuant to Section 1054.8, the sale of not more than
26 10 deer tags for the purpose of raising funds for programs and
27 projects as set forth in Section 3953. All revenue from the sale of
28 tags pursuant to this section shall be deposited in the Big Game
29 Management Account established in Section 3953 and, upon
30 appropriation by the Legislature, shall be expended as set forth in
31 that section.

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

35 (c) These funds shall augment, not supplant, any other funds
36 appropriated to the department for the preservation, restoration,
37 utilization, and management of deer. All revenues derived from
38 the sale of these tags shall be remitted to the department by the
39 seller.

1 SEC. 13. Section 4656 of the Fish and Game Code is amended
2 to read:

3 4656. Revenues received pursuant to this chapter shall be
4 deposited in the Big Game Management Account established in
5 Section 3953. These funds shall be available for expenditure by
6 the department as set forth in Section 3953. The department shall
7 maintain all internal accounting measures necessary to ensure that
8 all restrictions on these funds are met.

9 SEC. 14. Section 4751 of the Fish and Game Code is amended
10 to read:

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

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

30 SEC. 15. Section 4902 of the Fish and Game Code is amended
31 to read:

32 4902. (a) The commission may adopt all regulations necessary
33 to provide for biologically sound management of Nelson bighorn
34 sheep (subspecies *Ovis canadensis nelsoni*).

35 (b) (1) After the plans developed by the department pursuant
36 to Section 4901 for the management units have been submitted,
37 the commission may authorize sport hunting of mature Nelson
38 bighorn rams. Before authorizing the sport hunting, the commission
39 shall take into account the Nelson bighorn sheep population

1 statewide, including the population in the management units
2 designated for hunting.

3 (2) Notwithstanding Section 219, the commission shall not,
4 however, adopt regulations authorizing the sport hunting in a single
5 year of more than 15 percent of the mature Nelson bighorn rams
6 in a single management unit, based on the department's annual
7 estimate of the population in each management unit.

8 (c) The fee for a tag to take a Nelson bighorn ram may be
9 determined by the commission, but shall not exceed five hundred
10 dollars (\$500). Fee revenues shall be deposited in the Big Game
11 Management Account established in Section 3953 and, upon
12 appropriation by the Legislature, shall be expended as set forth in
13 that section.

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

34 (e) No tag issued pursuant to this section shall be valid unless
35 and until the licensee has successfully completed a prehunt hunter
36 familiarization and orientation and has demonstrated to the
37 department that he or she is familiar with the requisite equipment
38 for participating in the hunting of Nelson bighorn rams, as
39 determined by the commission. The orientation shall be conducted

1 by the department at convenient locations and times preceding
2 each season, as determined by the commission.

3 SEC. 16. Section 4903 of the Fish and Game Code is amended
4 to read:

5 4903. Revenue from the fees authorized by this chapter shall
6 be deposited in the Big Game Management Account established
7 in Section 3953 and, upon appropriation by the Legislature, shall
8 be expended as set forth in that section. Administrative overhead
9 shall be limited to the reasonable costs associated with the direct
10 administration of the program. These funds shall be used to
11 augment, and not to replace, moneys appropriated from existing
12 funds available to the department for the preservation, restoration,
13 utilization, and management of bighorn sheep. The department
14 shall maintain internal accountability necessary to ensure that all
15 restrictions on the expenditure of these funds are met.