

Introduced by Senator Hollingsworth

February 27, 2009

An act to amend Section 2536 of the Fish and Game Code, relating to hunting and fishing guides.

LEGISLATIVE COUNSEL'S DIGEST

SB 710, as introduced, Hollingsworth. Hunting and fishing guides.

Existing law generally makes it unlawful for any person to engage in the business of guiding or packing, or to act as a guide for any consideration or compensation whatever, without first having secured a guide license from the Department of Fish and Game. Existing law exempts an employee of a licensee who acts as a guide only in connection with, and within the scope of, his or her employment, and a person who is licensed in another state to provide guide services for the purposes of fishing, if certain conditions are met.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. Section 2536 of the Fish and Game Code is
- 2 amended to read:
- 3 2536. (a) It is unlawful for any person to engage in the business
- 4 of guiding or packing, or to act as a guide for any consideration
- 5 or compensation whatever, without first having secured a guide
- 6 license from the department.

1 (b) An employee of a licensee who acts as a guide only in
2 connection with, and within the scope of, his or her employment
3 is exempt from the requirement of subdivision (a), if all of the
4 following conditions are met:

5 (1) If the employment is subject to and the person is reported
6 to the carrier of the employer's workers' compensation insurance.

7 (2) If the person is subject and reported to the state and federal
8 taxing authorities for withholding of income tax.

9 (3) If the person is reported to the department, on forms provided
10 by the department, as an employee of the guide ~~prior to~~ *before* any
11 contact with any person being guided, and a registration fee has
12 been paid. The base fee for an employee guide registration for the
13 2004 license year shall be thirty-three dollars (\$33), which shall
14 be adjusted annually thereafter pursuant to Section 713.

15 (c) A person who is licensed in another state to provide guide
16 services for the purposes of fishing is exempt from the requirements
17 of subdivision (a), if all of the following conditions are met:

18 (1) The state in which the person is licensed grants a similar
19 exemption to licensed guides who are residents of this state.

20 (2) Evidence of a valid guide license is provided to the
21 department upon request.

22 (3) The person is engaged in the business of guiding only in
23 conjunction with and during the term of a multistate fishing
24 tournament approved by the appropriate agency in each of the
25 affected states.

26 (4) The tournament sponsor provides to the department any
27 information or documents necessary to administer and enforce this
28 paragraph, as determined by the department, including, but not
29 limited to, the identities of all guides participating in the
30 tournament, verification of another state's license exemption, and
31 information sufficient to determine the validity of another state's
32 guide licenses.

33 (5) The tournament sponsor pays the department an amount,
34 determined by the department, to be sufficient to cover the
35 department's cost to administer and enforce this subdivision.

36 (6) The net proceeds of the tournament are used for resource
37 management projects or habitat improvement projects, or both.