

AMENDED IN SENATE MAY 1, 2012
AMENDED IN SENATE APRIL 18, 2012

SENATE BILL

No. 1166

Introduced by Senator Berryhill

February 22, 2012

An act to amend Sections 3953, 4334, and 4902 of, and to add Sections 715 and 715.1 to, the Fish and Game Code, relating to wildlife resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1166, as amended, Berryhill. Department of Fish and Game: Big Game Management Account funds.

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 grants authority to the Department of Fish and Game to issue tags, stamps, 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. Existing law establishes 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, including fundraising tags.

This bill would require the department to permit a nonprofit organization *that is designated by the department and that is associated with the sale of deer or bighorn sheep tags that are sold on behalf of the department for the purpose of raising funds for specified programs*

and projects to retain the lesser of that organization's administrative costs of selling the tag or 10% of the amount for which the tag is sold.

Existing law requires that funds deposited in the account be available for expenditure upon appropriation to the department, as specified.

This bill would limit those specifications to the purposes defined in the statute that creates the fund, as specified.

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 715 is added to the Fish and Game Code,
2 to read:

3 715. The Legislature hereby finds and declares all of the
4 following:

5 (a) The National Survey of Fishing, Hunting, and
6 Wildlife-Associated Recreation has been conducted since 1955
7 and is one of the oldest and most comprehensive continuing
8 recreation surveys.

9 (b) The 2006 National Survey of Fishing, Hunting, and
10 Wildlife-Associated Recreation found all of the following:

11 (1) Eighty-seven million five hundred thousand United States
12 residents 16 years of age and older participated in
13 wildlife-dependent recreation.

14 (2) Individuals participating in wildlife-dependent recreation
15 spent \$122.3 billion in 2006 on their activities, which equated to
16 1 percent of the gross domestic product.

17 (3) Hunters and anglers spent \$76.6 billion, while wildlife
18 viewers spent \$45.7 billion.

19 (4) Seven million four hundred thousand California residents
20 and nonresidents 16 years of age and older fished, hunted, or
21 viewed wildlife in this state.

22 (5) State residents and nonresidents spent \$8 billion on
23 wildlife-dependent recreation in this state.

24 (c) The Department of Fish and Game reported that, in 2006,
25 hunters and anglers spent seventy-eight million dollars
26 (\$78,000,000) on licenses, stamps, tags, and access fees.

27 (d) Revenue generated by wildlife-dependent recreational
28 activities plays an exceedingly important role in California's
29 economy.

1 (e) Revenue generated by hunters is critical to the department's
2 ability to protect, enhance, and manage wildlife habitat.

3 SEC. 2. Section 715.1 is added to the Fish and Game Code, to
4 read:

5 715.1. (a) The department shall permit a nonprofit organization
6 *that is designated by the department and that is* associated with
7 the sale of deer or bighorn sheep tags that are sold on behalf of the
8 department for the purpose of raising funds for specified programs
9 and projects pursuant to subdivision (a) of Section 4334 and
10 subdivision (d) of Section 4902 to retain the lesser of that
11 organization's administrative costs of selling the tag or 10 percent
12 of the amount for which the tag is sold.

13 (b) The total amount retained from a sale pursuant to subdivision
14 (a) shall not exceed the lesser of the administrative costs of that
15 sale or 10 percent of the amount of the sale.

16 SEC. 3. Section 3953 of the Fish and Game Code is amended
17 to read:

18 3953. (a) The Big Game Management Account is hereby
19 established within the Fish and Game Preservation Fund.

20 (b) Notwithstanding Section 715.1, all revenues from the sale
21 of antelope, elk, deer, wild pig, bear, and sheep tags, including
22 any fundraising tags, shall be deposited in the Big Game
23 Management Account ~~to permit separate accountability for the~~
24 ~~receipt and expenditure with the receipt and expenditure~~ of these
25 funds *accounted for separately*.

26 (c) (1) Funds deposited in the Big Game Management Account
27 shall be available for expenditure upon appropriation by the
28 Legislature to the department solely for the purposes described in
29 this section. As the primary purpose of the Big Game Management
30 Account, the department shall expend these funds for the purposes
31 set forth in Sections 3951 and 3952, and Chapter 5 (commencing
32 with Section 450) of Division 1, Chapter 7 (commencing with
33 Section 4650), and Chapter 11 (commencing with Section 4900),
34 including acquiring land, completing projects, and implementing
35 programs to benefit antelope, elk, deer, wild pigs, bear, and sheep,
36 and expanding public hunting opportunities and related public
37 outreach. Any land acquired with funds from the Big Game
38 Management Account shall be acquired in fee title or protected
39 with a conservation easement and, to the extent possible, be open

1 or provide access to the public for antelope, elk, deer, wild pig,
2 bear, or sheep hunting.

3 (2) As a secondary purpose, the department may also use funds
4 from the Big Game Management Account to pay for administrative
5 and enforcement costs of the programs and activities described in
6 this section. The amount allocated from the account for
7 administrative and enforcement costs shall be limited to the
8 reasonable costs associated with the direct administration and
9 enforcement of the programs and activities described in this section.

10 (d) The department may make grants to, reimburse, or enter
11 into contracts or other agreements as defined in subdivision (a) of
12 Section 1571 with, nonprofit organizations for the use of the funds
13 from the Big Game Management Account to carry out the purposes
14 of this section, including related habitat conservation projects.

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

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

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

33 SEC. 4. Section 4334 of the Fish and Game Code is amended
34 to read:

35 4334. (a) The commission shall annually direct the department
36 to authorize, pursuant to Section 1054.8, the sale of not more than
37 10 deer tags for the purpose of raising funds for programs and
38 projects as set forth in Section 3953. Except as provided in Section
39 715.1, all revenue from the sale of tags pursuant to this section
40 shall be deposited in the Big Game Management Account

1 established in Section 3953 and, upon appropriation by the
2 Legislature, shall be expended as set forth in that section.

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

6 (c) These funds shall augment, not supplant, any other funds
7 appropriated to the department for the preservation, restoration,
8 utilization, and management of deer. All revenues derived from
9 the sale of these tags shall be remitted to the department by the
10 seller.

11 SEC. 5. Section 4902 of the Fish and Game Code is amended
12 to read:

13 4902. (a) The commission may adopt all regulations necessary
14 to provide for biologically sound management of Nelson bighorn
15 sheep (subspecies *Ovis canadensis nelsoni*).

16 (b) (1) After the plans developed by the department pursuant
17 to Section 4901 for the management units have been submitted,
18 the commission may authorize sport hunting of mature Nelson
19 bighorn rams. Before authorizing the sport hunting, the commission
20 shall take into account the Nelson bighorn sheep population
21 statewide, including the population in the management units
22 designated for hunting.

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

28 (c) The fee for a tag to take a Nelson bighorn ram may be
29 determined by the commission, but shall not exceed five hundred
30 dollars (\$500). Fee revenues 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 (d) The commission shall annually direct the department to
35 authorize not more than three of the tags available for issuance
36 that year to take Nelson bighorn rams for the purpose of raising
37 funds for programs and projects to benefit Nelson bighorn sheep.
38 These tags may be sold to residents or nonresidents of the State
39 of California at auction or by another method and shall not be
40 subject to the fee limitation prescribed in subdivision (c).

1 Commencing with tags sold for the 1993 hunting season, if more
2 than one tag is authorized, the department shall designate a
3 nonprofit organization organized pursuant to the laws of this state,
4 or the California chapter of a nonprofit organization organized
5 pursuant to the laws of another state, as the seller of not less than
6 one of these tags. The number of tags authorized for the purpose
7 of raising funds pursuant to this subdivision, if more than one,
8 shall not exceed 15 percent of the total number of tags authorized
9 pursuant to subdivision (b). Except as provided in Section 715.1,
10 all revenue from the sale of tags pursuant to this subdivision shall
11 be deposited in the Big Game Management Account established
12 in Section 3953 and, upon appropriation by the Legislature, shall
13 be expended as set forth in that section.

14 (e) No tag issued pursuant to this section shall be valid unless
15 and until the licensee has successfully completed a prehunt hunter
16 familiarization and orientation and has demonstrated to the
17 department that he or she is familiar with the requisite equipment
18 for participating in the hunting of Nelson bighorn rams, as
19 determined by the commission. The orientation shall be conducted
20 by the department at convenient locations and times preceding
21 each season, as determined by the commission.