

LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, \_\_\_\_\_.

General Subject: Fishing and hunting licenses.

Existing law requires the Department of Fish and Wildlife to issue lifetime sportsman's licenses, and certain lifetime hunting privileges to holders of those licenses, upon the one-time payment of specified fees.

Existing law requires the department to issue lifetime hunting licenses and lifetime sport fishing licenses, under specified conditions.

This bill would repeal the authorization to issue lifetime sportsman's licenses and would make conforming changes. The bill would require the department to issue similar lifetime hunting privileges currently issued to holders of lifetime sportsman's licenses to holders of the lifetime hunting licenses, upon payment of specified one-time fees. This bill would specify that the lifetime hunting licenses and the lifetime sport fishing licenses are valid for a one-year period, as specified, and may be renewed at no cost to the licensees.

Existing law allocates the fees collected from the lifetime sportsman's licenses and privileges, lifetime hunting licenses and privileges, and lifetime sport fishing licenses and privileges to the Fish and Game Preservation Fund and the Lifetime License Trust Account in the fund. For each lifetime license issued, existing law requires



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certain amounts of moneys in the account to be transferred to the fund and provides that the remaining principal balance of the account shall be used for investment purposes only.

This bill would specifically allocate all of the fees collected and would repeal the statute creating the Lifetime License Trust Account.

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



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An act to amend Sections 1055.1, 3031.2, 7120, 7149.2, 12002.2, and 13007 of, to repeal Section 714 of, and to repeal and add Section 13005 of, the Fish and Game Code, relating to fish and wildlife.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 714 of the Fish and Game Code is repealed.

~~714. (a) In addition to Section 3031, 3031.2, 7149.05, or 7149.2 and notwithstanding Section 3037, the department shall issue lifetime sportsman's licenses pursuant to this section. A lifetime sportsman's license authorizes the taking of birds, mammals, fish, reptiles, or amphibia anywhere in this state in accordance with law for purposes other than profit for the life of the person to whom issued unless revoked for a violation of this code or regulations adopted pursuant to this code. A lifetime sportsman's license is not transferable. A lifetime sportsman's license does not include any special tags, stamps, or other entitlements.~~

~~(b) A lifetime sportsman's license may be issued to residents, as follows:~~

~~(1) To a person 62 years of age or over upon payment of a base fee of seven hundred thirty dollars (\$730).~~

~~(2) To a person 40 years of age or over and less than 62 years of age upon payment of a base fee of one thousand eighty dollars (\$1,080).~~

~~(3) To a person 10 years of age or over and less than 40 years of age upon payment of a base fee of one thousand two hundred dollars (\$1,200).~~

~~(4) To a person less than 10 years of age upon payment of a base fee of seven hundred thirty dollars (\$730).~~

~~(c) This section does not require a person less than 16 years of age to obtain a license to take fish, reptiles, or amphibia for purposes other than profit or to obtain a license to take birds or mammals, except as required by law.~~



~~(d) This section does not exempt an applicant for a license from meeting other qualifications or requirements otherwise established by law for the privilege of sport hunting or sport fishing.~~

~~(e) Upon payment of a base fee of four hundred forty-five dollars (\$445), a person holding a lifetime hunting license or lifetime sportsman's license shall be issued annually one deer tag application pursuant to subdivision (a) of Section 4332 and five wild pig tags issued pursuant to Section 4654. Lifetime privileges issued pursuant to this subdivision are not transferable.~~

~~(f) Upon payment of a base fee of two hundred ten dollars (\$210), a person holding a lifetime hunting license or lifetime sportsman's license shall be entitled annually to the privileges afforded to a person holding a state duck stamp or validation issued pursuant to Section 3700.1 and an upland game bird stamp or validation issued pursuant to Section 3682.1. Lifetime privileges issued pursuant to this subdivision are not transferable.~~

~~(g) The base fees specified in this section are applicable commencing January 1, 2004, and shall be adjusted annually thereafter pursuant to Section 713.~~

~~(h) The commission shall adjust the amount of the fees specified in subdivision (g), as necessary, to fully recover, but not exceed, all reasonable administrative implementation costs of the department and the commission relating to those licenses.~~

SEC. 2. Section 1055.1 of the Fish and Game Code is amended to read:

1055.1. (a) Any person, except a commissioner, officer, or employee of the department, may submit an application to the department to be a license agent to issue licenses, permits, reservations, tags, or other entitlements.



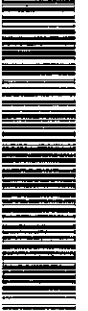
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(b) A person shall only be authorized to be a license agent to issue licenses, permits, reservations, tags, and other entitlements, upon the written approval of the department.

(c) The department may provide licenses, permits, reservations, tags, or other entitlements to authorized license agents and shall collect, prior to delivery, an amount equal to the fees for all licenses, permits, reservations, tags and other entitlements provided. Any license agent who pays the fees prior to delivery for licenses, permits, reservations, tags, or other entitlements is exempt from Sections 1056, 1057, and 1059. Any licenses, permits, reservations, tags, or other entitlements provided pursuant to this subdivision that remain unissued at the end of the license year may be returned to the department for refund or credit, or a combination thereof, within six months of the item expiration date. No credit may be allowed after six months following the last day of the license year.

(d) Authorized license agents shall add a handling charge to the fees prescribed in this code or in regulations adopted pursuant to this code for any license, permit, reservation, tag, and other entitlement 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).

(e) The handling charge added pursuant to subdivision (d) shall be incorporated into the total amount collected for issuing the license, permit, reservation, tag, and other entitlement, but the handling charge shall not be included when determining license fees in accordance with Section 713. A license agent may issue any license, permit, reservation, tag, or other entitlement for any amount up to 10 percent less than the fee prescribed in this code or in regulations adopted pursuant to this code. The



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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 licenses, permits, reservations, tags, and other entitlements issued.

(f) The handling charge required by subdivision (d) is the license agent's only compensation for services. The license agent shall not be entitled to any other additional fee or charge for issuing any license, permit, reservation, tag, or other entitlement authorized pursuant to this section.

(g) 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, 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, licenses and~~ lifetime hunting ~~licenses, and lifetime sportsman's~~ licenses under this subdivision is exempt from subdivisions (d) and (f). The license agent shall remit to the department the fees from the sale of lifetime licenses as defined in Sections ~~714, 3031.2, 3031.2~~ and 7149.2.

(h) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

SEC. 3. Section 3031.2 of the Fish and Game Code is amended to read:

3031.2. (a) In addition to ~~Sections 714 and Section~~ Section 3031, and notwithstanding Section 3037, the department shall issue lifetime hunting licenses under this section. A lifetime hunting license authorizes the taking of birds and mammals anywhere in



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this state in accordance with the law for purposes other than profit for the life of the person to whom issued unless revoked for a violation of this code or regulations adopted under this code. A lifetime hunting license is not transferable. A lifetime hunting license is valid for one year from July 1 through June 30 and may be renewed annually, regardless of any lapse of the license, at no additional cost to the licensee. A lifetime hunting license does not include any special tags, stamps, or fees.

(b) A lifetime hunting license may be issued to residents of this state, as follows:

(1) To a person 62 years of age or over, upon payment of a base fee of three hundred sixty-five dollars (\$365).

(2) To a person 40 years of age or over, and less than 62 years of age, upon payment of a base fee of five hundred forty dollars (\$540).

(3) To a person 10 years of age or over, and less than 40 years of age, upon payment of a base fee of six hundred dollars (\$600).

(4) To a person less than 10 years of age, upon payment of a base fee of three hundred sixty-five dollars (\$365).

(c) Upon payment of a base fee of four hundred forty-five dollars (\$445), a person holding a lifetime hunting license shall be issued annually one deer tag application pursuant to subdivision (a) of Section 4332 and five wild pig tags pursuant to Section 4654. Lifetime privileges issued pursuant to this subdivision are not transferable.

(d) Upon payment of a base fee of two hundred ten dollars (\$210), a person holding a lifetime hunting license shall be entitled annually to the privileges afforded to a person holding a state duck stamp or validation issued pursuant to Section 3700.1





and an upland game bird stamp or validation issued pursuant to Section 3682.1. Lifetime privileges issued pursuant to this subdivision are not transferable.

(e)

(e) Nothing in this section requires a person less than 16 years of age to obtain a license to take birds or mammals except as required by law.

(d)

(f) Nothing in this section exempts an applicant for a license from meeting other qualifications or requirements otherwise established by law for the privilege of sport hunting.

(e)

(g) The base fees specified in this section are applicable commencing January 1, 2004, and shall be adjusted annually thereafter pursuant to Section 713.

(f)

(h) The commission shall adjust the amount of the fees specified in ~~subdivision (b)~~, subdivisions (b), (c), and (d), as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the department and the commission relating to those licenses.

SEC. 4. Section 7120 of the Fish and Game Code is amended to read:

7120. It is unlawful for any person to possess more than one daily bag limit of any fish taken under a license issued pursuant to ~~Section 714~~ or Article 3 (commencing with Section 7145) unless authorized by regulations adopted by the commission.

SEC. 5. Section 7149.2 of the Fish and Game Code is amended to read:



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7149.2. (a) In addition to ~~Sections 714 and~~ Section 7149.05, the department shall issue a lifetime sport fishing license under this section. A lifetime sport fishing license authorizes the taking of fish, amphibians, or reptiles anywhere in this state in accordance with the law for purposes other than profit for the life of the person to whom issued unless revoked for a violation of this code or regulations adopted under this code. A lifetime sport fishing license is valid for a one-year period from January 1 through December 31 and may be renewed annually, regardless of any lapse of the license, at no additional cost to the licensee. A lifetime sport fishing license is not transferable. A lifetime sport fishing license does not include any special tags, stamps, or fees.

(b) A lifetime sport fishing license may be issued to residents of this state, as follows:

(1) To a person 62 years of age or over, upon payment of a base fee of three hundred sixty-five dollars (\$365).

(2) To a person 40 years of age or over and less than 62 years of age, upon payment of a base fee of five hundred forty dollars (\$540).

(3) To a person 10 years of age or over and less than 40 years of age upon payment of a base fee of six hundred dollars (\$600).

(4) To a person less than 10 years of age upon payment of a base fee of three hundred sixty-five dollars (\$365).

(c) Nothing in this section requires a person less than 16 years of age to obtain a license to take fish, amphibians, or reptiles for purposes other than profit.



(d) Nothing in this section exempts a license applicant from meeting other qualifications or requirements otherwise established by law for the privilege of sport fishing.

(e) Upon payment of a base fee of two hundred forty-five dollars (\$245), a person holding a lifetime sport fishing license ~~or lifetime sportsman's license~~ shall be entitled annually to the privileges afforded to a person holding a second-rod stamp or validation issued pursuant to Section 7149.45, a sport fishing ocean enhancement stamp or validation issued pursuant to subdivision (a) of Section 6596.1, one steelhead trout report restoration card issued pursuant to Section 7380, and one ~~salmon punchcard~~ report card issued pursuant to regulations adopted by the commission. Lifetime privileges issued pursuant to this subdivision are not transferable.

(f) The base fees specified in this section are applicable commencing January 1, 2004, and shall be adjusted annually thereafter pursuant to Section 713.

SEC. 6. Section 12002.2 of the Fish and Game Code is amended to read:

12002.2. (a) Notwithstanding any other provision of law, a violation of Section 7145 or of a regulation requiring a license to be displayed is an infraction, punishable by a fine of not less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000) for a first offense. If a person is convicted of a violation of Section 7145 or of a regulation requiring a license to be displayed within five years of a separate offense resulting in a conviction of a violation of Section 7145 or of a regulation requiring a license to be displayed, that person shall be punished by a fine of not less than two hundred fifty dollars (\$250) or more than one thousand dollars (\$1,000).



(b) If a person is convicted of a violation of Section 7145 or of a regulation requiring a license to be displayed and produces in court a license issued pursuant to Section 7145 and valid at the time of the person's arrest, and if the taking was otherwise lawful with respect to season, limit, time, and area, the court may reduce the fine imposed for the violation of Section 7145 or of the regulation requiring a license to be displayed to twenty-five dollars (\$25).

(c) If a person is charged with a violation of Section 7145 or of a regulation requiring a license to be displayed, and produces in court a lifetime sport fishing license or ~~lifetime sportsman's license~~ issued in his or her name pursuant to Section ~~714~~, 7149.2, and if the taking was otherwise lawful, in terms of season, limit, time, and area, the court may dismiss the charge.

(d) A person shall not be charged or convicted for both a violation of Section 7145 and a regulation requiring a license to be displayed for the same act.

SEC. 7. Section 13005 of the Fish and Game Code is repealed.

~~13005. (a) Notwithstanding Section 13001, the fees collected from lifetime sportsman's licenses and privileges issued pursuant to Section 714, lifetime hunting licenses and privileges issued pursuant to Section 3031.2, and lifetime sport fishing licenses and privileges issued pursuant to Section 7149.2 shall be deposited as follows:~~

~~(1) Twenty dollars (\$20) from the initial issuance of each lifetime license shall be deposited in the Fish and Game Preservation Fund for use in accordance with Section 711.~~

~~(2) The balance of the fees collected shall be deposited in the Lifetime License Trust Account which is hereby created in the Fish and Game Preservation Fund. Except~~



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as provided in this section, that principal amount of the money in the account from the fee for a lifetime license shall not be used, except for investment.

(b) The money in the Lifetime License Trust Account may be transferred and invested through the Surplus Money Investment Fund and all interest shall accrue to the account pursuant to subdivision (g) of Section 16475 of the Government Code.

(c) Upon issuance of a lifetime license or lifetime privilege issued pursuant to Section 714, 3031.2, or 7149.2, the department shall transfer the following amounts from the Lifetime License Trust Account to the Fish and Game Preservation Fund:

(1) Twenty-nine dollars and twenty-five cents (\$29.25) for an annual resident hunting license or an annual resident sport fishing license.

(2) Seven dollars and twenty-five cents (\$7.25) for a junior hunting license.

(3) Nine dollars and twenty-five cents (\$9.25) for one second-rod stamp or validation issued pursuant to Section 7149.45.

(4) Two dollars and fifty cents (\$2.50) for one sport fishing ocean enhancement stamp or validation issued pursuant to subdivision (a) of Section 6596.1.

(5) Three dollars and seventy-five cents (\$3.75) for one steelhead trout catch report-restoration card issued pursuant to Section 7380.

(6) One dollar (\$1) for one salmon punchcard issued pursuant to regulations adopted by the commission.

(7) Nineteen dollars and twenty-five cents (\$19.25) for a deer tag application issued pursuant to subdivision (a) of Section 4332.

(8) Eight dollars and seventy-five cents (\$8.75) for five wild pig tags issued pursuant to Section 4654.



~~(9) Ten dollars (\$10) for one state duck stamp or validation issued pursuant to Section 3700.1.~~

~~(10) Six dollars and twenty-five cents (\$6.25) for one upland game bird stamp or validation issued pursuant to Section 3682.1.~~

SEC. 8. Section 13005 is added to the Fish and Game Code, to read:

13005. Notwithstanding Section 13001, the department shall deposit funds from the sale of lifetime hunting licenses and lifetime hunting privileges issued pursuant to Section 3031.2, and lifetime sport fishing licenses and lifetime privileges issued pursuant to Section 7149.2 as follows:

(a) For each lifetime fishing license issued pursuant to Section 7149.2, the collected fee shall be deposited as follows:

(1) Of those funds, 66.67 percent shall be deposited into the Fish and Game Preservation Fund.

(2) Of those funds, 33.33 percent shall be deposited into the Hatchery and Inland Fisheries Fund.

(b) For each lifetime hunting license issued pursuant to Section 3031.2, 100 percent of the collected fee shall be deposited into the Fish and Game Preservation Fund pursuant to Section 13001.

(c) For each lifetime sport fishing privilege package issued pursuant to subdivision (e) of Section 7149.2, the collected fee shall be deposited as follows:

(1) Of those funds, 48.37 percent shall be deposited into the Fish and Game Preservation Fund.



(2) Of those funds, 14.75 percent shall be deposited into the Hatchery and Inland Fisheries Fund.

(3) Of those funds, 21.31 percent shall be deposited into the Steelhead Trout account in the Fish and Game Preservation Fund.

(4) Of those funds, 15.57 percent shall be deposited into the California Ocean Resources Enhancement and Hatchery Program account in the Fish and Game Preservation Fund.

(d) The collected fee for each big game privilege package purchased pursuant to subdivision (c) of Section 3031.2 shall be deposited as follows:

(1) Of those funds, 91.92 percent shall be deposited into the Big Game Management Account in the Fish and Game Preservation Fund.

(2) Of those funds, 8.08 percent shall be deposited into the Fish and Game Preservation Fund.

(e) The collected fee for each lifetime bird hunting privilege package issued pursuant to subdivision (d) of Section 3031.2 shall be deposited as follows:

(1) Of those funds, 68.47 percent shall be deposited into the State Duck Stamp Account in the Fish and Game Preservation Fund.

(2) Of those funds, 31.53 percent shall be deposited into the Upland Game Bird Account in the Fish and Game Preservation Fund.

SEC. 9. Section 13007 of the Fish and Game Code is amended to read:

13007. (a) Notwithstanding Section ~~13001~~ and paragraph (1) of subdivision (a) of Section ~~13005~~, commencing July 1, 2006, 13001, 33  $\frac{1}{3}$  percent of all sport fishing license fees collected pursuant to Article 3 (commencing with Section 7145) of Chapter



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1 of Part 2 of Division 6, except license fees collected pursuant to Section 7149.8, shall be deposited into the Hatchery and Inland Fisheries Fund, which is hereby established in the State Treasury. Moneys in the fund may be expended, consistent with the Strategic Plan for Trout Management and Chapter 7.2 (commencing with Section 1725) of Division 2, and, upon appropriation by the Legislature, to support programs of the department related to management, maintenance, and capital improvement of California's fish hatcheries, the Heritage and Wild Trout program, and enforcement activities related thereto, and to support other activities eligible to be funded from revenue generated by sport fishing license fees.



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(b) The department shall use sport fishing license fees collected and subject to appropriation pursuant to subdivision (a) for the following purposes:

(1) For the department's attainment of a state hatchery production goal of 2.75 pounds of released trout per sport fishing license sold in the calendar year ending two and one-half years earlier, based on the sales of the following types of sport fishing licenses: resident; lifetime; nonresident year; nonresident, 10-day; 2-day; 1-day; and reduced fee. The predominant number of released fish shall be of catchable size or larger. The department shall attain this goal in compliance with Fish and Game Commission trout policies concerning catchable-sized trout stocking, the Strategic Plan for Trout Management, and Chapter 7.2 (commencing with Section 1725) of Division 2.

(2) To the Heritage and Wild Trout Program, at least two million dollars (\$2,000,000), for the following purposes:



(A) At least seven new permanent positions for the Heritage and Wild Trout Program.

(B) Permanent positions and seasonal aides in each region of the state as necessary to contribute to the objectives of this section, the objectives of the Strategic Plan for Trout Management pursuant to Section 1728, and other activities necessary to the program.

(C) The development of trout management plans pursuant to Chapter 7.2 (commencing with Section 1725) of Division 2.

(D) The department may expend up to 25 percent of the funds made available to the Heritage and Wild Trout Program for watershed restoration projects, resource assessment, or scientific inquiry. The department may enter into contracts with qualified entities including local governments, special districts, tribes, and nonprofit organizations for the purposes of this subparagraph.

(3) For the development of the department's Strategic Plan for Trout Management pursuant to Section 1728.

(4) The department shall ensure that the numbers of native California trout, as defined in Section 7261, produced are sufficient to equal or exceed 25 percent of the numbers of trout produced by the state fish hatcheries to comply with paragraph (1). The native trout produced in accordance with this paragraph shall support department efforts to protect and restore cold water ecosystems, maintain biological diversity, and provide diverse angling opportunities. Coastal rainbow trout/steelhead produced for anadromous mitigation purposes shall be excluded from contributing to the native trout production goals required by this paragraph. Coastal rainbow trout/steelhead propagated



for purposes other than anadromous mitigation and released into their source watersheds may be counted toward the 25 percent native trout production goal. Native trout produced shall be naturally indigenous stocks from their original source watersheds. The department may release native trout produced into watersheds other than their original source watershed only if the released trout will cause no harm to other native trout or other biota in their original watersheds.

(5) The department may hire additional staff for state fish hatcheries, in order to comply with this subdivision.

(c) The department may allocate any funds under this section, not necessary to maintain the minimums specified in paragraphs (1) and (4) of subdivision (b), and after the expenditure in paragraph (2) of subdivision (b), to the Fish and Game Preservation Fund.

(d) The department may utilize federal funds to meet the funding formula specified in subdivision (a) if those funds are otherwise legally available for this purpose.

(e) A portion of the moneys subject to appropriation pursuant to subdivision (a) may be used for the purpose of obtaining scientifically valid genetic determinations of California native trout stocks, consistent with the department's Strategic Plan for Trout Management.

(f) On an annual basis, the department shall invest in hatchery facility improvements and rehabilitation to ensure progress towards achievement of the hatchery fish production targets established pursuant to this section.



(g) Beginning January 1, 2015, the department may obtain hatchery-produced fish from any California-based hatchery if all of the following criteria are satisfied:

(1) The goal specified in subdivision (b) is unmet.

(2) The department, following an inspection, determines that the California hatchery is in compliance with operations, management, and monitoring standards that are as stringent as those in effect at state hatcheries, in order to minimize the risk of the spread of disease or invasive species into inland state waters and fisheries.

(3) The cost per fish or per pound of fish provided by the California hatchery shall not exceed the cost to the department of state hatchery fish calculated equivalently and including transportation costs.



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