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**AB-467 Competitions on state property: prize compensation: gender equity.** (2019-2020)

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**Assembly Bill No. 467**

**CHAPTER 276**

An act to amend Section 2003 of the Fish and Game Code, to add Sections 5001.3, 6504, and 30615 to the Public Resources Code, and to add Section 682.7 to the Streets and Highways Code, relating to use of state property.

[ Approved by Governor September 09, 2019. Filed with Secretary of State September 09, 2019. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 467, Boerner Horvath. Competitions on state property: prize compensation: gender equity.

Existing law generally makes it unlawful to offer a prize or other inducement as a reward for the taking of a game bird, mammal, fish, reptile, or amphibian in an individual contest, tournament, or derby. Existing law makes specific exceptions to that general prohibition, including authorizing the Department of Fish and Wildlife to issue a permit, subject to Fish and Game Commission regulations, to a person authorizing that person to offer a prize or other inducement as a reward for the taking of a game fish if it makes a specified finding.

Existing law vests the Department of Parks and Recreation with the control of the state park system. Existing regulations of the Department of Parks and Recreation prohibit a person from having control over a game or recreational activity occurring wholly or partially within or on any property owned, operated or administered by the department without an approved special event permit, as defined.

Existing law authorizes the State Lands Commission to lease state lands under the jurisdiction of the commission for purposes as the commission deems advisable, including, but not limited to, grazing leases and leases for commercial, industrial, and recreational purposes.

The California Coastal Act of 1976 establishes the California Coastal Commission and requires the commission to implement and administer a coastal development permit process within the coastal zone, as defined. The act exempts from the requirement for a coastal development permit a proposed development found to be a temporary event that does not have any significant adverse impact upon coastal resources within the meaning of guidelines adopted by the commission. The act subjects any permit that is issued or any development or action approved on appeal to be subject to reasonable terms and conditions in order to ensure that the development or action will be in accordance with the act. The act also declares that existing laws relating to discrimination and environmental justice apply to the California Coastal Commission and all public agencies implementing the act. The act provides that, as required by existing law relating to discrimination, no person in the State of California, on specified bases including sex, may be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination, under specified programs or activities under the act.

Under existing law, the Department of Transportation may issue permits authorizing encroachments, as defined, on state highways. Existing law requires the department to either approve or deny an application for an encroachment permit within 60 days of receiving a completed application.

This bill would require those entities to include in permit or lease conditions, for a competition event to be held on land under the jurisdiction of the entity, as described, and that awards prize compensation, as defined, to competitors in gendered categories, a requirement that the prize compensation be identical between the gendered categories at each participant level.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

### **SECTION 1.** Section 2003 of the Fish and Game Code is amended to read:

**2003.** (a) Except as specified in subdivisions (b), (c), (d), and (e), it is unlawful to offer a prize or other inducement as a reward for the taking of a game bird, mammal, fish, reptile, or amphibian in an individual contest, tournament, or derby.

(b) The department may issue a permit to a person authorizing that person to offer a prize or other inducement as a reward for the taking of a game fish, as defined by the commission by regulation, if it finds that there would be no detriment to the resource. The permit is subject to regulations adopted by the commission. The application for the permit shall be accompanied by a fee in the amount determined by the department as necessary to cover the reasonable administrative costs incurred by the department in issuing the permit. However, the department may waive the permit fee if the contest, tournament, or derby is for persons who are under 16 years of age or have a physical or mental disability, and the primary purpose of the contest, tournament, or derby is to introduce those anglers to or educate them about fishing. All permits for which the fee is waived pursuant to this subdivision shall comply with all other requirements set forth in this section.

(c) This section does not apply to a person conducting what is generally known as a frog-jumping contest, or, in waters of the Pacific Ocean, what is generally known as a fish contest.

(d) This section does not apply to a person conducting an individual contest, tournament, or derby for the taking of a game bird or mammal, if the total value of all prizes or other inducements is less than five hundred dollars (\$500) for the individual contest, tournament, or derby.

(e) (1) As used in this subdivision:

(A) "Event" means a competition event on lands managed by the department.

(B) "Prize compensation" includes prize or purse money, other prizes, goods, or other compensation.

(2) The department, for any event that awards prize compensation to competitors in gendered categories, shall require as a condition of a permit pursuant to this section that, for any participant level that receives prize compensation, the prize compensation for each gendered category be identical at each participant level. The department shall not approve a permit for an event that does not comply with this condition.

### **SEC. 2.** Section 5001.3 is added to the Public Resources Code, to read:

**5001.3.** (a) As used in this section:

(1) "Event" means a competition event that uses lands or facilities under the jurisdiction of the department.

(2) "Prize compensation" includes prize or purse money, other prizes, goods, or other compensation.

(b) The department, for any event that awards prize compensation to competitors in gendered categories, shall require as a condition of a special event permit that, for any participant level that receives prize compensation, the prize compensation for each gendered category be identical at each participant level. The department shall not approve a special event permit for an event that does not comply with this condition.

### **SEC. 3.** Section 6504 is added to the Public Resources Code, to read:

**6504.** (a) As used in this section:

(1) "Event" means a competition event that uses lands owned by the state that are under the jurisdiction of the commission.

(2) "Prize compensation" includes prize or purse money, other prizes, goods, or other compensation.

(b) The commission, for any event that awards prize compensation to competitors in gendered categories, shall require as a condition of a lease that, for any participant level that receives prize compensation, the prize compensation for each gendered

category be identical at each participant level. The commission shall not approve a lease for an event that does not comply with this condition.

**SEC. 4.** Section 30615 is added to the Public Resources Code, to read:

**30615.** (a) As used in this section:

(1) "Event" means a competition event within the coastal zone.

(2) "Prize compensation" includes prize or purse money, other prizes, goods, or other compensation.

(b) The commission shall require as a condition of a coastal development permit for any event that awards prize compensation to competitors in gendered categories, for any participant level that receives prize compensation, that the prize compensation for each gendered category be identical at each participant level. The commission shall not approve a coastal development permit for an event that does not comply with this condition.

**SEC. 5.** Section 682.7 is added to the Streets and Highways Code, to read:

**682.7.** (a) As used in this section:

(1) "Event" means a competition event that encroaches a state highway.

(2) "Prize compensation" includes prize or purse money, other prizes, goods, or other compensation.

(b) The department shall require as a condition of a permit for any event that awards prize compensation to competitors in gendered categories, for any participant level that receives prize compensation, that the prize compensation for each gendered category be identical at each participant level. The department shall not approve a permit for an event that does not comply with this condition.