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AB-804 Free hunting days. (2021-2022)

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Assembly Bill No. 804

CHAPTER 413

An act to amend Section 3040 of the Fish and Game Code, relating to hunting.

[Approved by Governor September 30, 2021. Filed with Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 804, Megan Dahle. Free hunting days.

Existing law authorizes the Director of Fish and Wildlife to establish 2 free hunting days per year: one in the fall, and one in the winter. Existing law authorizes a California unlicensed resident to hunt during a free hunting day if accompanied by a licensed hunter, subject to certain conditions. Existing law prohibits these provisions from being implemented until the Department of Fish and Wildlife's Automated License Data System is fully operational for at least one year.

This bill would require, rather than authorize, the director to establish 2 free hunting days per year no later than July 1, 2023. The bill would require the department to issue a registration for free hunting days to any California resident who provides the department with all of the information required to issue an annual California hunting license and evidence of completing a course in hunter education, as specified. The bill would limit the type of game an unlicensed hunter participating in free hunting days can take. The bill would delete the prohibition requiring a delay in implementation of the above-described provisions. The bill would authorize the department to adopt emergency regulations to implement these provisions. The bill would require the department, on or before July 1, 2022, to develop a plan, as specified, to implement these provisions, and would require the department to provide the plan to the relevant legislative policy and budget committees and post the plan on its internet website.

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

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

SECTION 1. Section 3040 of the Fish and Game Code is amended to read:

3040. (a) Notwithstanding Section 3031, the director shall, no later than July 1, 2023, designate two days per year as "Free Hunting Days." The department shall publish the exact dates of the free hunting days in annual publications of the department regarding current hunting regulations.

(b) (1) During a free hunting day, a California resident may hunt if accompanied by a hunter who meets all of following requirements:

(A) Holds a valid hunting license issued by the State of California.

(B) Is at least 21 years of age.

(C) Accompanies only one unlicensed hunter in the field at a time.

(2) An unlicensed hunter shall participate in the free hunting days for only one license year, and shall complete a hunter education course approved by the department and register with the department, or an agent of the department, before participating in a free hunting day. While engaged in hunting activities, an unlicensed hunter and the licensed supervising hunter shall remain in close visual and verbal contact with each other at all times so that the licensed hunter is able to provide adequate direction and immediately assume control of a firearm or other legal method of take used by the unlicensed hunter at any time.

(c) The department shall issue a free registration for free hunting days to any California resident who submits to the department all of the information required to issue an annual California hunting license and provides evidence of completing a course in hunter education as required in paragraph (3) of subdivision (a) of Section 3050. The free hunting day registration shall be valid from the date specified on the registration through the remainder of the license year for which the registration is issued.

(d) An unlicensed hunter who participates in a free hunting day shall have in their possession all of the following:

- (1) A registration to hunt on free hunting days for that license year issued by the department pursuant to subdivision (c).
- (2) Any required tags or report cards.
- (3) Any required federal entitlements.
- (4) Any required entry permits.

(e) An unlicensed hunter participating in free hunting days shall take only resident and migratory game birds, resident small game mammals, fur-bearing mammals, nongame mammals, and wild pigs with a wild pig tag.

(f) An unlicensed hunter participating in free hunting days shall not apply for any draw or lottery to obtain any tag, reservation, or other hunting opportunity.

(g) An unlicensed hunter hunting pursuant to this section is subject to all of the limitations, restrictions, conditions, statutes, rules, and regulations applicable to the holder of a valid hunting license, except all of the following:

- (1) The requirement to possess a valid hunting license pursuant to Section 3031.
- (2) The requirement to possess an upland game bird hunting validation pursuant to Section 3682.1.
- (3) The requirement to possess a state duck hunting validation pursuant to Section 3700.1.

(h) An unlicensed hunter, who is 12 years of age or older, in possession of a registration to hunt on free hunting days may purchase one wild pig tag pursuant to Section 4652.

(i) (1) The department may adopt additional minimum requirements and restrictions for a licensed hunter or an unlicensed hunter participating in a free hunting day pursuant to this section.

(2) The department may adopt emergency regulations to implement this section in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation adopted by the department, or any amendments to it made by the department pursuant to this section, shall stay in effect until revised by the department.

(j) (1) On or before July 1, 2022, the department shall develop a plan to implement this section. The plan shall include, at a minimum, all of the following:

- (A) A description of the scope of the emergency regulations necessary to implement this section.
- (B) A description of the steps the department will take to implement this section.
- (C) An estimate of the total costs to the department to implement this section.
- (D) Identification of the source of the funds, including fees paid by hunters, necessary to implement this section.

(2) The estimate of the total costs to the department identified in subparagraph (C) of paragraph (1) shall include, but is not limited to, the costs of pursuing emergency regulations, updating existing or developing new hunting outreach materials for the

free hunting days, any necessary revision to the Automated License Data System, and use of any department resources necessary to conduct the free hunting days.

(3) The department shall provide the plan required by paragraph (1) to the relevant legislative policy and budget committees and post the plan on its internet website.