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AB-817 Sport fishing licenses: electronic display: 12-consecutive-month licenses. (2021-2022)

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Assembly Bill No. 817

CHAPTER 607

An act to amend Section 7150 of, to amend, repeal, and add Section 7149.05 of, and to add Section 1050.4 to, the Fish and Game Code, relating to sport fishing.

[Approved by Governor October 07, 2021. Filed with Secretary of State October 07, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 817, Wood. Sport fishing licenses: electronic display: 12-consecutive-month licenses.

(1) Existing law requires the Fish and Game Commission to determine the form of all licenses, permits, tags, reservations, and other entitlements issued pursuant to the Fish and Game Code and the method of carrying and displaying all licenses, except for those programs where the Department of Fish and Wildlife has fee-setting authority, in which case the department retains that authority. Existing law requires all licenses and tags to be exhibited upon demand to any person authorized by the department to enforce any law relating to the protection and conservation of fish.

This bill would authorize the department, on or before January 1, 2023, to provide an option to display a sport fishing license, validation, report card, or other sport fishing entitlement issued pursuant to the Fish and Game Code or regulations adopted pursuant to this code electronically on a mobile device, except as provided. The bill would provide that a person who displays a sport fishing entitlement electronically on a mobile device in accordance with this provision shall be deemed to be in compliance with any requirement to possess or affix the entitlement.

(2) Existing law requires every person 16 years of age or older who takes any fish, reptile, or amphibian for any purpose other than profit to first obtain a sport fishing license for that purpose, with specified exceptions, and to have that license on their person or in their immediate possession when engaged in carrying out any activity authorized by the license. Existing law governs the issuance of calendar year and short-term sport fishing licenses, including the fees for those licenses. Under existing law, a calendar year license expires at the end of the calendar year, regardless of when issued. Existing law requires the Fish and Game Commission to adjust the amount of the fees for sport fishing licenses, as prescribed, to fully recover, but not exceed, all reasonable administrative and implementation costs of the Department of Fish and Wildlife and the commission relating to those licenses.

This bill would, until January 1, 2030, authorize the Director of Fish and Wildlife to allow 12-consecutive-month sport fishing licenses to be issued in addition to certain calendar year licenses. The bill would require the director to provide the Legislature, on or before January 1, 2025, recommendations for increasing fees for all sport fishing licenses to levels that provide adequate resources to fund sport fishing, including all necessary supporting activities, at the department. The bill would require the director, on or before July 1, 2028, to submit a report to the Legislature evaluating all sport fishing licenses, as provided.

(3) Existing law requires the Department of Fish and Wildlife to issue a reduced fee sport fishing license to specified applicants, including a resident of the state over 65 years of age if the person's total monthly income from all sources does not exceed a

specified amount.

This bill would instead make a resident over 65 years of age eligible for a reduced fee sport fishing license if the person receives benefits from specified state programs.

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

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

SECTION 1. Section 1050.4 is added to the Fish and Game Code, to read:

1050.4. (a) On or before January 1, 2023, the department may provide an option to display a sport fishing license, validation, report card, or other sport fishing entitlement issued pursuant to this code or regulations adopted pursuant to this code electronically on a mobile device.

(b) A person who displays a sport fishing license, validation, report card, or other sport fishing entitlement electronically on a mobile device in accordance with this section shall be deemed to be in compliance with any requirement imposed pursuant to this code or regulation adopted pursuant to this code to possess or affix the entitlement.

(c) This section does not apply to a tag that is required to be affixed to a fish pursuant to this code or a regulation adopted pursuant to this code.

SEC. 2. Section 7149.05 of the Fish and Game Code is amended to read:

7149.05. (a) A sport fishing license granting the privilege to take any fish, reptile, or amphibian anywhere in this state for purposes other than profit shall be issued to any of the following:

(1) (A) A resident, 16 years of age or older, for the period of a calendar year, or, if issued after the beginning of the year, for the remainder of the year, upon payment of a base fee of thirty-one dollars and twenty-five cents (\$31.25).

(B) The director may authorize the issuance of a license under subparagraph (A) that is valid for the period of 12 consecutive months beginning on the date specified on the license instead of only for the calendar year.

(2) (A) A nonresident, 16 years of age or older, for the period of a calendar year, or, if issued after the beginning of the year, for the remainder of the year, upon payment of a base fee of eighty-four dollars (\$84).

(B) The director may authorize the issuance of a license under subparagraph (A) that is valid for the period of 12 consecutive months beginning on the date specified on the license instead of only for the calendar year.

(3) A nonresident, 16 years of age or older, for the period of 10 consecutive days beginning on the date specified on the license upon payment of the fee set forth in paragraph (1).

(4) A resident or nonresident, 16 years of age or older, for two designated days, upon payment of one-half the fee set forth in paragraph (1). Notwithstanding Section 1053.1, more than one single day license issued for different days may be issued to, or possessed by, a person at one time.

(5) A resident or nonresident, 16 years of age or older, for one designated day upon payment of a base fee of ten dollars (\$10).

(b) California sport fishing license validations shall be issued by authorized license agents in the same manner as sport fishing licenses, and no compensation shall be paid to the authorized license agent for issuing the validations except as provided in Section 1055.1.

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

(d) The base fees specified in this section are applicable to the 2004 license year, and shall be adjusted annually thereafter pursuant to Section 713.

(e) The commission shall adjust the amount of the fees specified in subdivision (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.

(f) (1) The director shall provide the Legislature, on or before January 1, 2025, recommendations for increasing fees for all sport fishing licenses to levels that provide adequate resources to fund sport fishing, including all necessary supporting activities, at the department.

(2) The director shall submit to the Legislature, on or before July 1, 2028, a written report evaluating all sport fishing licenses issued pursuant to this section, including sales information, the cost of administering and implementing sport fishing licenses to the department and commission, and evidence of any changes in the number of new or renewing sport fishing license participants. The director shall collect all relevant, appropriate, and sufficient data necessary to evaluate sport fishing licenses issued pursuant to this section and to justify the amount of the license fees assessed pursuant to this section, including information about data collection and enforcement costs. Data collection efforts pursuant to this paragraph shall avoid duplication and use data collected for other purposes, to the extent feasible.

(3) The requirement for submitting a report imposed under paragraph (1) is inoperative on January 1, 2029, pursuant to Section 10231.5 of the Government Code.

(4) A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(g) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.

SEC. 3. Section 7149.05 is added to the Fish and Game Code, to read:

7149.05. (a) A sport fishing license granting the privilege to take any fish, reptile, or amphibian anywhere in this state for purposes other than profit shall be issued to any of the following:

(1) A resident, 16 years of age or older, for the period of a calendar year, or, if issued after the beginning of the year, for the remainder of the year, upon payment of a base fee of thirty-one dollars and twenty-five cents (\$31.25).

(2) A nonresident, 16 years of age or older, for the period of a calendar year, or, if issued after the beginning of the year, for the remainder of the year, upon payment of a base fee of eighty-four dollars (\$84).

(3) A nonresident, 16 years of age or older, for the period of 10 consecutive days beginning on the date specified on the license upon payment of the fee set forth in paragraph (1).

(4) A resident or nonresident, 16 years of age or older, for two designated days, upon payment of one-half the fee set forth in paragraph (1). Notwithstanding Section 1053.1, more than one single day license issued for different days may be issued to, or possessed by, a person at one time.

(5) A resident or nonresident, 16 years of age or older, for one designated day upon payment of a base fee of ten dollars (\$10).

(b) California sport fishing license validations shall be issued by authorized license agents in the same manner as sport fishing licenses, and no compensation shall be paid to the authorized license agent for issuing the validations except as provided in Section 1055.1.

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

(d) The base fees specified in this section are applicable to the 2004 license year, and shall be adjusted annually thereafter pursuant to Section 713.

(e) The commission shall adjust the amount of the fees specified in subdivision (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.

(f) This section shall become operative on January 1, 2030.

SEC. 4. Section 7150 of the Fish and Game Code is amended to read:

7150. (a) Upon application to the department's headquarters office in Sacramento and payment of a base fee of four dollars (\$4), as adjusted pursuant to Section 713, the following persons, who have not been convicted of any violation of this code, shall be issued a reduced fee sport fishing license that is valid for one year as specified in paragraphs (1) and (2) of subdivision (a) of Section 7149.05 and that authorizes the licensee to take any fish, reptile, or amphibian anywhere in this state as otherwise authorized pursuant to this code and regulations adopted pursuant to this code for purposes other than profit:

(1) A disabled veteran having a 50 percent or greater service-connected disability upon presentation of proof of an honorable discharge from military service and proof of the disability. Proof of the disability shall be by certification from the United States Veterans Administration or by presentation of a license issued pursuant to this paragraph in the preceding license year.

(2) A member of the military who is a "recovering service member" pursuant to paragraph (7) of Section 1602 of the federal National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. Sec. 1071 note). A person shall be eligible for a reduced fee

sport fishing license pursuant to this paragraph upon the submission of a letter, online or in hardcopy, to the department from that person's commanding officer or from a military medical doctor stating that the person is a recovering service member.

(3) A person over 65 years of age who is a resident of this state and who receives benefits pursuant to one of the following:

(A) Section 12200 of the Welfare and Institutions Code.

(B) The Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants (Chapter 10.3 (commencing with Section 18937) of Part 6 of Division 9 of the Welfare and Institutions Code).

(b) A person applying for a reduced fee sport fishing license shall submit adequate documentation for the department to determine whether the applicant is, in fact, eligible for a reduced fee sport fishing license. The documentation shall be in the form of a letter or other document, as specified by the department, from a public agency, except as provided in paragraphs (1) and (2) of subdivision (a). The department shall not issue a reduced fee sport fishing license to any person unless it is satisfied that the applicant has provided adequate documentation of eligibility for that license.

(c) The adjustment of the base fee pursuant to Section 713 specified in subdivision (a) shall be applicable to the fishing license years beginning on or after January 1, 1996.