

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1081**

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**Introduced by Senator Morrell**

**(~~Coauthor: Senator Nielsen~~)**

**(Coauthors: Senators Bates, Fuller, Nielsen, and Runner)**

(Coauthors: Assembly Members Achadjian, Bigelow, Brough, Chang, Gallagher, Lackey, Mathis, ~~and Olsen~~ Olsen, and Wagner)

February 17, 2016

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An act to amend Sections 3033, 7150, and 7151 of, and to add Sections 3034 and 7150.5 to, the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

SB 1081, as amended, Morrell. Hunting and sport fishing: free and reduced license fees: veterans.

(1) Under existing law, a hunting license grants the privilege to take birds and mammals. Existing law requires the Department of Fish and Wildlife to issue a hunting license for a term of one year, as provided, upon payment of a fee, to eligible residents and nonresidents. Existing law requires the department to issue a reduced fee hunting license for a term of one year, as provided, upon payment of a reduced fee, to a disabled veteran or recovering service member, as specified. Existing law requires these fees to be adjusted annually according to a specified index. *Under existing law, the department issues tags, validations, and other entitlements upon payment of specified fees that are required in addition to a valid hunting license to take specified birds and mammals for purposes other than commercial purposes.*

This bill would instead require the department to issue a free hunting license, upon application to the department, to a disabled veteran or

recovering service member and would require the ~~department,~~ *department* to issue a reduced fee hunting license, upon application and payment of a fee of \$5, to a veteran of the Armed Forces of the United States who was honorably discharged. The bill would prohibit the reduced hunting license fee from being adjusted pursuant to the specified index. *The bill would require the department to reduce the fee required for a tag, validation, or other entitlement by 50% for a person who receives a reduced fee hunting license for veterans and would prohibit the department from charging a person who receives a free hunting license for disabled veterans or recovering service members a fee for these entitlements.*

(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 and to have that license on his or her person or in his or her immediate possession when engaged in carrying out any activity authorized by the license. Existing law requires the department to issue a sport fishing license for the period of a calendar year, as provided, upon payment of a specified fee, to eligible residents and nonresidents. Existing law requires the department to issue a reduced fee sport fishing license ~~to~~ for the period of a calendar year upon payment of a reduced fee to a disabled veteran or recovering service member, as specified. Existing law requires these fees to be adjusted annually according to a specified index. *Under existing law, the department issues sport fishing report cards and validations upon payment of specified fees that authorize various activities relating to the taking and possession of amphibians, reptiles, and fish for purposes other than profit.*

This bill would instead require the department to issue a free sport fishing license, upon application to the department, to a disabled veteran or recovering service member and would require the department to issue a reduced fee sport fishing license, upon application and payment of a fee of \$5, to a veteran of the Armed Forces of the United States who was honorably discharged. The bill would prohibit this reduced fishing license fee from being adjusted pursuant to the specified index. *The bill would require the department to reduce the fee required to obtain a sport fishing report card, validation, or other entitlement by 50% for a person who receives a reduced fee sport fishing license for veterans and would prohibit the department from charging a person who receives a free sport fishing license for disabled veterans or recovering service members a fee for these entitlements.*

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 3033 of the Fish and Game Code is  
2 amended to read:

3 3033. (a) Pursuant to this section, the department shall issue  
4 to a disabled veteran or recovering service member who has not  
5 been convicted of a violation of this code a free hunting license  
6 that authorizes the licensee to take a bird or mammal as authorized  
7 by this code and regulations adopted pursuant to this code.

8 (b) The license issued pursuant to this section shall be issued  
9 free of any charge or fee.

10 (c) For the purposes of this section, the following terms have  
11 the following meanings:

12 (1) “Disabled veteran” means a person having a 50 percent or  
13 greater service-connected disability and an honorable discharge  
14 from military service.

15 (2) “Recovering service member” means a member of the  
16 military who meets the definition of “recovering service member”  
17 in Section 1602(7) of the federal National Defense Authorization  
18 Act for Fiscal Year 2008 (Public Law 110-181).

19 (d) A person applying for a free hunting license shall submit to  
20 the department adequate documentation for the department to  
21 determine whether the person is, in fact, eligible for a free hunting  
22 license. The department shall not issue a free hunting license to a  
23 person unless it is satisfied that the person has provided adequate  
24 documentation of eligibility for that license.

25 (e) A disabled veteran shall submit the following documentation:

26 (1) Proof of an honorable discharge from military service.

27 (2) Proof of the disability described in paragraph (1) of  
28 subdivision (c), either by certification from the United States  
29 Department of Veterans Affairs or by presentation of a license  
30 issued pursuant to this section in the preceding license year.

31 (f) A recovering service member shall submit a letter to the  
32 department stating that the person is a recovering service member  
33 as defined in subdivision (d), from either that person’s commanding  
34 officer or a military medical doctor. The letter may be submitted  
35 either in hard copy form or online.

1 (g) Notwithstanding subdivision (c) of Section 3031 and  
2 subdivision (f) of Section 3031.2, the commission shall not increase  
3 the fees required to obtain the licenses specified in Sections 3031  
4 and 3031.2 for a person not receiving the benefit pursuant to this  
5 section to recover the cost of providing the benefit.

6 (h) (1) *The department shall not charge a person who receives*  
7 *a free hunting license pursuant to this section a fee to obtain a*  
8 *tag, validation, or other entitlement required in addition to a valid*  
9 *hunting license to take a bird or mammal.*

10 (2) *Notwithstanding any other law, the commission shall not*  
11 *increase the fee required to obtain a tag, validation, or other*  
12 *entitlement for a person not receiving the discount pursuant to this*  
13 *subdivision to recover the cost of providing the discount.*

14 SEC. 2. Section 3034 is added to the Fish and Game Code, to  
15 read:

16 3034. (a) Upon application pursuant to this section and  
17 payment of a fee of five dollars (\$5), the department shall issue to  
18 a veteran of the Armed Forces of the United States, who was  
19 honorably discharged and who has not been convicted of a violation  
20 of this code, a reduced fee hunting license that authorizes the  
21 licensee to take a bird or mammal as authorized by this code and  
22 regulations adopted pursuant to this code.

23 (b) The license fee for a reduced fee hunting license shall be  
24 not be adjusted pursuant to Section 713.

25 (c) A person applying for a reduced fee hunting license shall  
26 submit to the department adequate documentation for the  
27 department to determine whether the applicant is, in fact, eligible  
28 for a reduced fee hunting license. The department shall not issue  
29 a reduced fee hunting license to any person unless it is satisfied  
30 that the applicant has provided adequate documentation of  
31 eligibility for that license.

32 (d) Notwithstanding subdivision (c) of Section 3031 and  
33 subdivision (f) of Section 3031.2, the commission shall not increase  
34 the fees required to obtain the licenses specified in Sections 3031  
35 and 3031.2 for a person not receiving the benefit pursuant to this  
36 section to recover the cost of providing the benefit.

37 (e) (1) *The department shall reduce the fee for a tag, validation,*  
38 *or other entitlement required in addition to a valid hunting license*  
39 *to take a bird or mammal by 50 percent for a person who receives*  
40 *a reduced fee hunting license pursuant to this section.*

1 (2) *Notwithstanding any other law, the commission shall not*  
2 *increase the fee required to obtain a tag, validation, or other*  
3 *entitlement for a person not receiving the discount pursuant to this*  
4 *subdivision to recover the cost of providing the discount.*

5 SEC. 3. Section 7150 of the Fish and Game Code is amended  
6 to read:

7 7150. (a) Upon application to the department's headquarters  
8 office in Sacramento and payment of a base fee of four dollars  
9 (\$4), as adjusted pursuant to Section 713, a person who meets the  
10 eligibility requirements specified in subdivision (b) shall be issued  
11 a reduced fee sport fishing license that is valid for one year as  
12 specified in paragraphs (1) and (2) of subdivision (a) of Section  
13 7149.05 and that authorizes the licensee to take any fish, reptile,  
14 or amphibians anywhere in this state as otherwise authorized  
15 pursuant to this code and regulations adopted pursuant thereto for  
16 purposes other than profit.

17 (b) A person who meets the following requirements shall be  
18 eligible for a reduced fee license pursuant to this section:

19 (1) The person has not been convicted of any violation of this  
20 code.

21 (2) The person is over 65 years of age.

22 (3) The person is a resident of this state.

23 (4) The person's total monthly income from all sources,  
24 including any old age assistance payments, does not exceed the  
25 amount in effect on September 1 of each year contained in  
26 subdivision (c) of Section 12200 of the Welfare and Institutions  
27 Code for single persons or subdivision (d) of Section 12200 of the  
28 Welfare and Institutions Code combined income for married  
29 persons, as adjusted pursuant to that section. The amount in effect  
30 on September 1 of each year shall be the amount used to determine  
31 eligibility for a reduced fee license during the following calendar  
32 year.

33 (c) A person applying for a reduced fee sport fishing license  
34 shall submit adequate documentation for the department to  
35 determine whether the applicant is, in fact, eligible for a reduced  
36 fee sport fishing license. The documentation shall be in the form  
37 of a letter or other document, as specified by the department, from  
38 a public agency. The department shall not issue a reduced fee sport  
39 fishing license to any person unless it is satisfied that the applicant  
40 has provided adequate documentation of eligibility for that license.

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

4 SEC. 4. Section 7150.5 is added to the Fish and Game Code,  
5 to read:

6 7150.5. (a) Upon application to the department's headquarters  
7 office in Sacramento and payment of a fee of five dollars (\$5), a  
8 veteran of the Armed Forces of the United States, who was  
9 honorably discharged and who has not been convicted of any  
10 violation of this code, shall be issued a reduced fee sport fishing  
11 license that is valid for one year as specified in paragraphs (1) and  
12 (2) of subdivision (a) of Section 7149.05 and that authorizes the  
13 licensee to take any fish, reptile, or amphibians anywhere in this  
14 state as otherwise authorized pursuant to this code and regulations  
15 adopted pursuant thereto for purposes other than profit.

16 (b) A person applying for a reduced fee sport fishing license  
17 shall submit adequate documentation for the department to  
18 determine whether the applicant is, in fact, eligible for a reduced  
19 fee sport fishing license. The documentation shall be in the form  
20 of a letter or other document, as specified by the department, from  
21 a public agency. The department shall not issue a reduced fee sport  
22 fishing license to any person unless it is satisfied that the applicant  
23 has provided adequate documentation of eligibility for that license.

24 (c) The fee required pursuant to subdivision (a) shall not be  
25 adjusted pursuant to Section 713.

26 (d) Notwithstanding subdivision (e) of Section 7149.05, the  
27 commission shall not increase the fees required to obtain the license  
28 specified in Section 7149.05 for a person not receiving the benefit  
29 pursuant to this section to recover the cost of providing the benefit.

30 (e) (1) *The department shall reduce the fee for a sport fishing*  
31 *report card, validation, or other entitlement required in addition*  
32 *to a valid sport fishing license to take an amphibian, reptile, or*  
33 *fish by 50 percent for a person who receives a reduced fee sport*  
34 *fishing license pursuant to this section.*

35 (2) *Notwithstanding subdivision (g) of Section 6596.1,*  
36 *subdivision (c) of Section 7149.8, or any other law, the commission*  
37 *shall not increase the fee required to obtain a sport fishing report*  
38 *card, validation, or other entitlement for a person not receiving*  
39 *the discount pursuant to this subdivision to recover the cost of*  
40 *providing the discount.*

1 SEC. 5. Section 7151 of the Fish and Game Code is amended  
2 to read:

3 7151. (a) Upon application to the department, the following  
4 persons, if they have not been convicted of any violation of this  
5 code, shall be issued, free of any charge or fee, a sport fishing  
6 license, that authorizes the licensee to take any fish, reptile, or  
7 amphibian anywhere in this state for purposes other than profit:

8 (1) Any blind person upon presentation of proof of blindness.  
9 “Blind person” means a person with central visual acuity of 20/200  
10 or less in the better eye, with the aid of the best possible correcting  
11 glasses, or central visual acuity better than 20/200 if the widest  
12 diameter of the remaining visual field is no greater than 20 degrees.  
13 Proof of blindness shall be by certification from a qualified licensed  
14 optometrist or ophthalmologist or by presentation of a license  
15 issued pursuant to this paragraph in any previous license year.

16 (2) Every resident Native American who, in the discretion of  
17 the department, is financially unable to pay the fee required for  
18 the license.

19 (3) Any developmentally disabled person, upon presentation of  
20 certification of that disability from a qualified licensed physician,  
21 or the director of a state regional center for the developmentally  
22 disabled.

23 (4) Any person who is a resident of the state and who is so  
24 severely physically disabled as to be permanently unable to move  
25 from place to place without the aid of a wheelchair, walker, forearm  
26 crutches, or a comparable mobility-related device. Proof of the  
27 disability shall be by certification from a licensed physician or  
28 surgeon or, by presentation of a license issued pursuant to this  
29 paragraph in any previous license year after 1996.

30 (5) A disabled veteran having a 50 percent or greater  
31 service-connected disability upon presentation of proof of an  
32 honorable discharge from military service and proof of the  
33 disability. Proof of the disability shall be by certification from the  
34 ~~United States Veterans Administration~~ *Department of Veterans*  
35 *Affairs* or by presentation of a license issued pursuant to this  
36 paragraph in the preceding license year.

37 (6) A member of the military who is a “recovering service  
38 member” pursuant to Section 1602(7) of the federal National  
39 Defense Authorization Act for Fiscal Year 2008 (Public Law  
40 110-181). A person shall be eligible for a free sport fishing license

1 pursuant to this paragraph upon the submission of a letter, online  
2 or in hardcopy, to the department from that person’s commanding  
3 officer or from a military medical doctor stating that the person is  
4 a recovering service member.

5 (b) Sport fishing licenses issued pursuant to paragraphs (2), (5),  
6 and (6) of subdivision (a) are valid for the calendar year of issue  
7 or, if issued after the beginning of the year, for the remainder  
8 thereof.

9 (c) Sport fishing licenses issued pursuant to paragraphs (1), (3),  
10 and (4) of subdivision (a) are valid for five calendar years, or if  
11 issued after the beginning of the first year, for the remainder  
12 thereof.

13 (d) Upon application to the department, the department may  
14 issue, free of any charge or fee, a sport fishing license to groups  
15 of mentally or physically handicapped persons under the care of  
16 a certified federal, state, county, city, or private licensed care center  
17 that is a community care facility as defined in subdivision (a) of  
18 Section 1502 of the Health and Safety Code, to organizations  
19 exempt from taxation under Section 501(c)(3) of the federal  
20 Internal Revenue Code, or to schools or school districts. Any  
21 organization that applies for a group fishing license shall provide  
22 evidence that it is a legitimate private licensed care center,  
23 tax-exempt organization, school, or school district. The license  
24 shall be issued to the person in charge of the group and shall be in  
25 his or her possession when the group is fishing. Employees of  
26 private licensed care centers, tax-exempt organizations, schools,  
27 or school districts are exempt from Section 7145 only while  
28 assisting physically or mentally disabled persons fishing under the  
29 authority of a valid license issued pursuant to this section. The  
30 license shall include the location where the activity will take place,  
31 the date or dates of the activity, and the maximum number of  
32 people in the group. The licenseholder shall notify the local  
33 department office before fishing and indicate where, when, and  
34 how long the group will fish.

35 (e) Upon application to the department, the department may  
36 issue, free of any charge or fee, a sport fishing license to a nonprofit  
37 organization for day-fishing trips that provide recreational  
38 rehabilitation therapy for active duty members of the United States  
39 military who are currently receiving inpatient care in a military or  
40 *United States Department of Veterans Administration Affairs*

1 hospital and veterans with service-connected disabilities. The  
2 license shall be valid for the calendar year of issue or, if issued  
3 after the beginning of the year, for the remainder of that year. The  
4 license shall be issued to the person in charge of the group, and  
5 shall be in the licenseholder's possession when the group is fishing.  
6 The organization shall notify the local department office before  
7 fishing and indicate where, when, and how long the group will  
8 fish. To be eligible for a license under this subdivision, an  
9 organization shall be registered to do business in this state or  
10 exempt from taxation under Section 501(c) of the federal Internal  
11 Revenue Code.

12 (f) On January 15 of each year, the department shall determine  
13 the number of free sport fishing licenses in effect during the  
14 preceding year under subdivisions (a), (d), and (e).

15 (g) There shall be appropriated from the General Fund a sum  
16 equal to two dollars (\$2) per free sport fishing license in effect  
17 during the preceding license year under subdivisions (a) and (d),  
18 as determined by the department pursuant to subdivision (f). That  
19 sum may be appropriated annually in the Budget Act for transfer  
20 to the Fish and Game Preservation Fund and appropriated in the  
21 Budget Act from the Fish and Game Preservation Fund to the  
22 department for the purposes of this part.

23 (h) Notwithstanding subdivision (e) of Section 7149.05, the  
24 commission shall not increase the fees required to obtain the license  
25 specified in *Section 7149.05* for a person not receiving the benefit  
26 pursuant to this section to recover the cost of providing the benefit.

27 (i) (1) *The department shall not charge a person who receives*  
28 *a free sport fishing license pursuant to paragraph (5) or (6) of*  
29 *subdivision (a) a fee to obtain a sport fishing report card,*  
30 *validation, or other entitlement required in addition to a valid*  
31 *sport fishing license to take an amphibian, reptile, or fish.*

32 (2) *Notwithstanding subdivision (g) of Section 6596.1,*  
33 *subdivision (c) of Section 7149.8, or any other law, the commission*  
34 *shall not increase the fee required to obtain a sport fishing report*  
35 *card, validation, or other entitlement for a person not receiving*  
36 *the discount pursuant to this subdivision to recover the cost of*  
37 *providing the discount.*