

ASSEMBLY BILL

No. 117

Introduced by Assembly Member Knowles

January 11, 1995

An act to add Section 4189 to, to repeal Section 3950.1 of, to repeal Chapter 9 (commencing with Section 2780) of Division 3 of, and to repeal and add Chapter 10 (commencing with Section 4800) of Part 3 of Division 4 of, the Fish and Game Code, and to repeal Sections 1, 7, 8, and 9 of the California Wildlife Protection Act of 1990, relating to wildlife, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 117, as introduced, Knowles. Proposition 117: California Wildlife Protection Act of 1990.

(1) Proposition 117, an initiative measure approved by the electors at the June 5, 1990, primary election, enacted the California Wildlife Protection Act of 1990. Among other things, the act created the Habitat Conservation Fund which is continuously appropriated to various entities for specified purposes until July 1, 2020, and, thereafter, is continuously appropriated to the Wildlife Conservation Board for the acquisition of specified habitat and wetlands in specified amounts. The act prohibits the Legislature from reallocating those funds. The act also makes the mountain lion a specially protected mammal and limits taking of those mammals to personnel of the Department of Fish and Game and local public safety agencies when it is perceived to be an imminent threat to public health or safety or pursuant to a permit issued

to a person by the department when the person's livestock or other property is being or has been injured, damaged, or destroyed by a mountain lion.

This bill, which would take effect upon approval of the voters, would repeal the act and restore the law relating to the taking of mountain lions to that existing before enactment of the California Wildlife Protection Act of 1990.

Under the bill, mountain lions would be authorized to be taken as game mammals under license tags issued by the department for a fee of \$1. Because revenue from the fees would be deposited in the Fish and Game Preservation Fund, a continuously appropriated fund by other provisions of existing law, the bill would make an appropriation.

The bill would provide for restoration of unencumbered money transferred by the act to the Habitat Conservation Fund to the funds from which the money was transferred, as specified.

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

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 9 (commencing with Section
2 2780) of Division 3 of the Fish and Game Code is repealed.

3 SEC. 2. Section 3950.1 of the Fish and Game Code is
4 repealed.

5 ~~3950.1. (a) Notwithstanding Section 3950 or any~~
6 ~~other provision of this code, the mountain lion (genus~~
7 ~~Felis) shall not be listed as, or considered to be, a game~~
8 ~~mammal by the department or the commission.~~

9 ~~(b) Section 219 does not apply to this section. Neither~~
10 ~~the commission nor the department shall adopt any~~
11 ~~regulation that conflicts with or supersedes this section.~~

12 SEC. 3. Section 4189 is added to the Fish and Game
13 Code, to read:

14 4189. Any owner or tenant, or the agent of the owner
15 or tenant, of land or property that is being damaged or
16 destroyed or is in immediate danger of being damaged or
17 destroyed by a mountain lion may take that mountain lion
18 at any time and in any manner except by means of poison

1 or traps. The taking of the mountain lion shall be reported
2 in writing within 30 days to the headquarters office of the
3 department in Sacramento.

4 SEC. 4. Chapter 10 (commencing with Section 4800)
5 of Part 3 of Division 4 of the Fish and Game Code is
6 repealed.

7 SEC. 5. Chapter 10 (commencing with Section 4800)
8 is added to Part 3 of Division 4 of the Fish and Game Code,
9 to read:

10
11 CHAPTER 10. MOUNTAIN LIONS
12

13 4800. It is unlawful to take any mountain lion, except
14 as provided in Section 4189, without first procuring a
15 license tag authorizing the taking of a mountain lion.

16 4801. Any person 12 years of age or over who possesses
17 a valid hunting license may, upon payment of one dollar
18 (\$1), procure the number of mountain lion license tags
19 corresponding to the number of mountain lions that may
20 legally be taken by one person during the current license
21 year.

22 4802. Mountain lion license tags are valid only during
23 that portion of the current hunting license year in which
24 mountain lions may be taken or possessed in any district.

25 4803. The holder of a mountain lion license tag shall
26 carry the tag while hunting mountain lions, and upon the
27 killing of any mountain lion shall immediately fill out both
28 parts of the tag and punch out clearly the date of the kill.
29 One part of the tag shall be immediately attached to the
30 ear of the mountain lion and kept attached during the
31 open season and for 15 days thereafter. The other part of
32 the tag shall be immediately sent to the department.
33 Possession of any untagged mountain lion shall be a
34 violation of this section.

35 4804. (a) Any person who is convicted of a violation
36 of any provision of this code, or of any rule, regulation, or
37 order made or adopted under this code, relating to
38 mountain lions shall forfeit his or her mountain lion
39 license tags, and new mountain lion license tags shall not

1 be issued to that person during the then current license
2 year for hunting licenses.

3 (b) A person described in subdivision (a) shall not
4 apply for mountain lion license tags for the following
5 license year.

6 4805. Any person legally killing a mountain lion in this
7 state shall have the license tag countersigned by a fish and
8 game commissioner, person employed in the
9 department, person designated for this purpose by the
10 commission, justice of the peace, notary public,
11 postmaster, or peace officer, or by an officer authorized
12 to administer oaths, before transporting the mountain
13 lion except for the purpose of taking it to the nearest
14 officer authorized to countersign the license tag, on the
15 route being followed from the point where the mountain
16 lion is taken.

17 4806. The provisions of this chapter do not apply to
18 any taking of a mountain lion that is otherwise authorized
19 in order to protect livestock, land, or property from
20 damage or threatened damage from the mountain lion.

21 4807. The department shall make an annual report to
22 the Legislature on the number of mountain lions taken
23 per license year.

24 SEC. 6. Any unencumbered money in the Habitat
25 Conservation Fund on the effective date of the approval
26 of the electors of this act, pursuant to Section 11 of this act,
27 shall be transferred by the Controller to the source fund
28 or funds from which they were originally derived in
29 amounts proportional to the amounts originally
30 transferred to that fund, as determined by the Controller,
31 and any other unencumbered funds in the Habitat
32 Conservation Fund shall be transferred by the Controller
33 to the Wildlife Restoration Fund and used for the
34 purposes of the Wildlife Conservation Law of 1947.

35 SEC. 7. Section 1 of the California Wildlife Protection
36 Act of 1990 (Proposition 117, an initiative statute adopted
37 at the June 5, 1990, Primary Election) is repealed.

38 ~~Section 1. This act shall be known and may be cited~~
39 ~~as the California Wildlife Protection Act of 1990.~~

1 SEC. 8. Section 7 of the California Wildlife Protection
2 Act of 1990 (Proposition 117, an initiative statute adopted
3 at the June 5, 1990, Primary Election) is repealed.

4 ~~Sec. 7. If any provision of this act or the application~~
5 ~~thereof to any person or circumstances is held invalid,~~
6 ~~that invalidity shall not affect other provisions or~~
7 ~~applications of the act which can be given effect without~~
8 ~~the invalid provisions or application, and to this end the~~
9 ~~provisions of this act are severable.~~

10 SEC. 9. Section 8 of the California Wildlife Protection
11 Act of 1990 (Proposition 117, an initiative statute adopted
12 at the June 5, 1990, Primary Election) is repealed.

13 ~~Sec. 8. Except amendments of subdivisions (c) and~~
14 ~~(f) of Section 2787 and subdivision (d) of Section 2796 of~~
15 ~~the Fish and Game Code to extend the operative effect~~
16 ~~of those sections, which may be enacted by statute~~
17 ~~enacted by the Legislature, this act shall be amended only~~
18 ~~by a statute approved by a vote of four-fifths of the~~
19 ~~members of both houses of the Legislature. Any~~
20 ~~amendment of this act shall be consistent with, and~~
21 ~~further the purposes of, this act, except the Legislature~~
22 ~~shall not reallocate the funds allocated by Sections 2787~~
23 ~~and 2788 of the Fish and Game Code, change the~~
24 ~~expenditure requirements of Section 2791 of the Fish and~~
25 ~~Game Code, or change the transfers of funds required by~~
26 ~~Sections 2795 and 2796 of the Fish and Game Code.~~

27 SEC. 10. Section 9 of the California Wildlife
28 Protection Act of 1990 (Proposition 117, an initiative
29 statute adopted at the June 5, 1990, Primary Election) is
30 repealed.

31 ~~Sec. 9. This act shall be liberally construed to further~~
32 ~~its purposes.~~

33 SEC. 11. Sections 1 to 10, inclusive, of this act affect an
34 initiative statute and shall become effective only when
35 submitted to, and approved by, the voters, pursuant to
36 subdivision (c) of Section 10 of Article II of the California
37 Constitution.

38 SEC. 12. (a) Notwithstanding Sections 3525, 3528,
39 3529, 3560, 3578, and 10218 of the Elections Code or any
40 other provision of law, ____ Bill ____ of the

1 1995–96 Regular Session shall be submitted to the voters
2 at the March 26, 1996, direct primary election.

3 (b) The Secretary of State shall ensure the placement
4 of ____ Bill ____ of the 1995–96 Regular Session
5 on the March 26, 1996, direct primary election ballot, in
6 substantial compliance with any statutory time
7 requirements applicable to the submission of statewide
8 measures to the voters at a statewide election.

9 (c) Notwithstanding Section 3531 of the Elections
10 Code, the Attorney General shall prepare and return to
11 the Secretary of State a ballot title for ____ Bill
12 ____ of the 1995–96 Regular Session as expeditiously
13 as possible, but not later than two days after the effective
14 date of this act.

15 (d) Notwithstanding Section 3572 of the Elections
16 Code, the Legislative Analyst shall prepare an impartial
17 analysis of ____ Bill ____ of the 1995–96 Regular
18 Session as expeditiously as possible, but not later than five
19 days after the effective date of this act, and the analysis
20 shall not be submitted to a review committee.

21 (e) The Secretary of State shall include, in the ballot
22 pamphlet mailed pursuant to Section 3578 of the
23 Elections Code, the information specified in Section 3570
24 of the Elections Code regarding ____ Bill ____ of
25 the 1995–96 Regular Session.

26 If that inclusion is not possible, the Secretary of State
27 shall publish a supplemental ballot pamphlet regarding
28 that legislative bill to be mailed with the ballot pamphlet.
29 If the supplemental ballot pamphlet cannot be mailed
30 with the ballot pamphlet, the supplemental ballot
31 pamphlet shall, notwithstanding Section 3578 of the
32 Elections Code, be mailed at least 14 days before the
33 election.

34 (f) (1) Notwithstanding any other provision of law, all
35 ballots of the election shall have printed thereon, in a
36 square, the words: “Amendment of the California
37 Wildlife Protection Act of 1990.” In the same square,
38 below the words, all ballots shall contain the following
39 words in 8-point type: “This act repeals the provisions of
40 Proposition 117 enacted at the June 5, 1990, Primary

1 Election and restores the law to the form that existed
2 immediately preceding enactment of that proposition.”
3 Opposite the square, there shall be spaces left in which
4 the voters may place a cross in the manner required by
5 law to indicate whether they vote for or against the
6 measure.

7 Where voting is done by means of voting machines
8 used pursuant to law in the manner that carries out the
9 intent of this section that ____ Bill ____ of the
10 1995–96 Regular Session be properly placed before, and
11 duly considered by, the voters at the election, the use of
12 the voting machines are in compliance with this section.

