

### **2009 State Legislative Session**

The 2009 State Legislative Session concluded in early September, with the Governor given until October 11th to sign or veto bills that successfully reached his desk. COHA was pleased to place two COHA-sponsored measures on the Governor's desk during the recently completed Session. Below is a brief summary of these two bills and their status, as well as information on the many other bills that COHA actively worked this past year. For more detailed information, please visit our website at [www.outdoorheritage.org](http://www.outdoorheritage.org)

### **2009 COHA Sponsored Legislation**

#### **AB 979 (Berryhill) Ban on Local Governments Interfering With Hunting/Fishing Activities - SUPPORT**

AB 979 (Berryhill) would help keep cities and counties from interfering with hunting and fishing activities. The bill is being sponsored by COHA in response to increasing efforts by urban cities and counties to arbitrarily restrict hunting activities within their jurisdictions, mostly due to local anti-hunting sentiment. This has occurred most recently with the Cities of Hercules and Mountain View in the Bay Area, as well as with the City of Morro Bay in San Luis Obispo County. The bill would preempt local government ordinances that do not have a legitimate public safety purpose and reaffirm the California Fish and Game Commission's primary authority over the regulation of fish and game.

AB 979 is currently on the Senate Floor.

#### **AB 1423 (Berryhill) Hunt Club, SHARE & Hunter Harassment - SUPPORT**

On October 11, 2009 Governor Arnold Schwarzenegger signed Assembly Bill 1423 (Berryhill) a COHA-sponsored measure that would: 1) reduce existing commercial hunting club license fees; 2) expand the "public access to private lands" hunting program (SHARE) so that the Department of Fish and Game (DFG) may access new federal funding for support of the program; and 3) expand and increase criminal penalties for willfully interfering with hunting, fishing, trapping, falconry and recreational shooting activities.

Specifically, AB 1423 would address the unexpected consequences of SB 1200 (2006), which inadvertently significantly raised the cost of operating many commercial hunt clubs. The intent of SB 1200 was to clarify who was required to purchase a commercial hunting club license. However, following several last minute amendments, the bill was altered to require DFG to charge a license fee for each property or parcel used for commercial hunting purposes, as opposed to the previously required single license fee. Prior to SB 1200, commercial hunting clubs paid around \$350 for a license. As a result of SB 1200, some commercial hunting clubs and individuals are now subject to several thousands of dollars in fees because DFG must charge \$350 for each property in their control.

AB 1423 also seeks to address the funding needs of the SHARE program, a private lands hunting access program that COHA and DFG have helped to administer over the last 3 years. As the result of the 2008 Federal Farm Bill, California would be eligible to compete for millions of dollars in federal money under the "Open Fields" program which is designed to support voluntary, state-run programs that provide incentives to private landowners who allow public access for wildlife dependent recreational activities. In total, the Farm Bill has allocated \$50 million dollars over the next four years for support of "Open Fields" activities in states that have private lands access programs.

Lastly, due to several recent cases of hunter harassment, AB 1423 would strengthen the penalty from an infraction to a misdemeanor for willfully interfering with the lawful activity of shooting, hunting, fishing, falconry, or trapping at a location where the activity is taking place. Additionally, AB 1423 clarifies the definition of "interfere with" to include such actions as placing gates or barricades to block access to lands without authorization from the landowner.

#### **SB 589 (Harman) Hunting License Stamp/Tag Fiscal Oversight - SUPPORT**

Despite garnering near unanimous support in the State Legislature, Governor Arnold Schwarzenegger has vetoed COHA-sponsored Senate Bill 589, which would have prevented hunting license tag/stamp monies from being misused for non-game conservation or non-hunting purposes. The bill was authored by Senator Tom Harman (R-Huntington Beach).

Since the 1980s, a portion of hunting license tag and stamp monies has been redirected away from game species conservation to other unrelated purposes. Loopholes in state law also allow for a significant portion of deer tag monies and all bear tag monies to be used for non-game purposes, while a large percentage of pig tag funds have also been redirected or simply gone unspent.

According to California Department of Fish and Game (DFG) data from 2006, only 62% of deer tag revenue was actually used for deer-related projects, while only 64% of wild pig tag money and 48% of wild sheep auction tag money was expended for related conservation work. To more fully address these problems over the long-term, SB 589 would have mandated that all user fee revenues (about \$9.5 million total) from the sale of bear, elk, wild sheep, antelope, wild pig, deer and upland game bird tags and stamps be used for related conservation activities and public hunting purposes.

In addition, the bill would have required DFG to consult with non-profit sportsmen's organizations on all proposed conservation projects funded from the fees, while facilitating the cost-effective assistance of the nonprofits in completing the projects. DFG would have also been required to post a description of each completed project on its website, allowing hunters to see how their monies are used on the ground.

The Governor's veto message stated that "The creation of more dedicated accounts and reserving more funds for those accounts will only increase the complexity of the Department's fiscal management...as well as reduce the Department's flexibility to appropriately administer hunting programs." However, rather than creating more accounts and increasing budget complexity, SB 589 would have simplified DFG's budgeting by consolidating several existing big game species fiscal accounts into one single account. Also, contrary to the Governor's statement, the bill would have actually given DFG greater flexibility to benefit all big game species by allowing big game tag funds to be used interchangeably.

COHA will continue to maintain as a top priority the passing of legislation which prohibits inappropriate redirection of hunter generated game revenues to non-related uses.

#### Other State Legislation

##### · AB 708 (Huffman) Enhanced Penalties for Poaching – SUPPORT

On October 11th, Governor Arnold Schwarzenegger signed Assembly Bill 708 (Huffman), a measure that seeks to combat illegal commercialization and egregious poaching of California's fish and game resources by establishing mandatory minimum fines and jail time for those that violate the law.

Specifically, AB 708 would establish a fine of \$5000 - \$40,000 and/or impose a penalty of up to one year in county jail for violators who are convicted of illegally selling, purchasing, or trading any amphibian, bird, fish, mammal, or reptile for profit or personal gain. AB 708 also increases the fine and jail time for those who egregiously violate the daily bag limit or possession limit of fish, reptiles, birds, amphibians or mammals. Additionally, an individual convicted of violating any provision of AB 708 would be subject to possible permanent hunting or fishing license revocation.

COHA is very concerned about the recent rise in illegal poaching and commercialization of deer, antelope, and waterfowl. With fewer than 300 Fish and Game Wardens patrolling the entire state, more needs to be done to help the Department of Fish and Game meet its public trust responsibilities.

As signed by the Governor, AB 708 would only apply to those that illegally sell, purchase, or trade fish and game or to individuals that illegally possess more than three times the daily bag or possession limit. AB 708 also clarifies that an individual may possess unlabeled migratory birds, such as waterfowl, dove and band-tailed pigeons, as authorized by federal waterfowl regulations. Additionally, AB 708 does not impact a person's ability to gift a possession limit of fish or game to another person, regardless of whether or not both parties reside in the same dwelling.

##### · AB 962 (De Leon) Ammunition Registration – OPPOSE

AB 962 (De Leon) is a bill that would, among other things, effectively ban mail order and internet sales of handgun ammunition and require purchasers of handgun ammunition to provide detailed personal information, including their thumbprint, name, address, driver's license number, and amount of ammunition purchased.

AB 962 would create a serious disincentive for law abiding members of the public to purchase handgun ammunition and therefore participate in hunting and other legal shooting activities. By essentially banning mail order and internet sales of handgun ammunition (given that all transactions must be completed "face-to-face"), AB 962 forces sportsmen and women to rely entirely on local ammunition dealers who often charge higher prices or may not have available all handgun ammunition calibers and types. In addition, many of our members strongly object to submitting personal information simply to buy commonly used sporting ammunition given that current law already mandates an extensive background check with each firearm purchase.

Further, AB 962 would force many ammunition retailers to stop selling handgun ammunition entirely because of the increased time and expense associated with the measure's data collection requirements, as well as the threat of criminal prosecution for violating those requirements. The end result would be fewer venues for sportsmen and women to purchase ammunition, and a resulting increase in the price of ammunition.

##### · SB 200 (Correa) Internet Ads for Raffles – SUPPORT

SB 200 is a bill that would allow nonprofit organizations to announce and advertise raffles on the internet. However, this bill does not allow raffle tickets to be sold online.

As many nonprofit organizations can attest, having the ability to advertise raffles online, including on an organization's website, will certainly help raise additional funds. Given the challenging economic times, nonprofit organizations need as many fundraising tools as possible.

SB 200 was signed by the Governor.

##### · SB 585 (Leno) Cow Palace Firearm Sales Ban – OPPOSE

SB 585 is a measure that would essentially prohibit the sale of firearms and ammunition on the property or in the buildings that comprise the Cow Palace. SB 585 unnecessarily and arbitrarily bans the otherwise legal sale of firearms and ammunition at the Cow Palace, a state owned property. For decades, the Cow Palace has hosted numerous outdoor related exhibitions, including hunting and fishing expositions and sporting firearm shows. By prohibiting such events at the

Cow Palace, law-abiding firearm enthusiasts will be forced to purchase firearms and ammunition from distant dealers or not purchase them at all.

SB 585 was vetoed by the Governor.

## CALIFORNIA FISH AND GAME COMMISSION - REGULATORY

COHA continues to regularly attend California Fish and Game Commission (CFGF) meetings to be sure that our membership is fully represented on all regulatory policy decisions which impact wildlife conservation and hunting opportunity – including all annual game bird and mammal hunting regulations. Some highlights of current and recent CFGF activity include:

### Donald Benninghoven Appointed to Commission Seat Vacated by Gustafson

On Tuesday, August 4th, Governor Schwarzenegger appointed Donald Benninghoven, 76, of Santa Barbara, to the California Fish and Game Commission. Benninghoven fills the seat vacated by the resignation of Cindy Gustafson just four days prior.

Before retiring, Benninghoven served as executive director and member of the board for the City-County-School Partnership from 1998 to 2000, a cooperative venture of the California State Association of Counties, the California School Boards Association and the League of California Cities. Prior to that, from 1958 to 1998, Benninghoven held several positions at the League of California Cities including executive director. He served on the Marine Life Protection Act Blue Ribbon Task Force from 2007 to 2009. Benninghoven also previously served as secretary for the City-County-School Partnership, chairman of the California Center for Civic Renewal and a member of the Institute for Local Self Government Executive Committee. In addition, he was a member on the Governor's Commission on Transportation Financing, vice chair of the California State Constitution Revision Commission and member on the Governor's Commission on Local Government Financing. Benninghoven is a member of the California Game Wardens Foundation and is a lifelong outdoorsman, fisherman and hunter. The position requires Senate confirmation.

### Gustafson Resigns Fish and Game Commission Post

On Friday, July 31st, Cindy Gustafson resigned from the California Fish and Game Commission. Gustafson had served on five member regulatory body since her appointment by Governor Schwarzenegger in June 2005, and was elected President of the regulatory body earlier this year.

Gustafson, who hails from Tahoe City, was recently promoted to General Manager of the Tahoe City Public Utilities District (TCPUC). In her letter to the Governor, Gustafson cited that a legal opinion she had recently independently requested determined that her new position as General Manager of the TCPUC could be incompatible with her service on the Commission. Her term on the Commission was set to expire January 15, 2010.

The Fish and Game Commission is responsible for the formulation of natural resource policy for the State of California, as well as general policies for the conduct of the Department of Fish and Game. The best known responsibility of the Commission is its general regulatory powers function, under which it decides seasons, bag limits and methods of take for game animals and sport fish.

## **Thank you to our generous donors!**

You have realized how important it is to protect our rich, precious hunting and archery heritage.

Our legislative staff in cooperation with California Outdoor Heritage Association is working diligently to ensure your contributions are used wisely and effectively. We have made every effort to be certain that the following list is complete and accurate. Please accept our apologies if there are any errors or omissions. Once again, many thanks for your generosity and continued support of our legislative efforts.

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