

Date of Hearing: April 8, 2021

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Eduardo Garcia, Chair

AB 804 (Megan Dahle) – As Introduced February 16, 2021

**SUBJECT:** Free hunting days

**SUMMARY:** Requires the Director of the Department of Fish and Wildlife (DFW) to establish two free hunting days per year. Specifically, **this bill:**

- 1) Requires, rather than authorizes, the Director of DFW to establish two free hunting days per year, one in the fall and one in the spring, no later than July 1, 2022.
- 2) Moves one of the existing allowed free hunting days from the winter hunting season to the spring hunting season.
- 3) Eliminates the requirement that DFW's Automated License Data System (ALDS) be fully operational for at least one year before free hunting days may occur.

**EXISTING LAW:**

- 1) Requires a hunting license for the take of any bird or mammal that must be carried and shown upon request. Provides for issuance of hunting licenses to residents and nonresidents upon payment of specified fees [Fish and Game Code (FGC) § 3031].
- 2) Authorizes the Director of the DFW to establish two free hunting days per year: one during the fall hunting season, and one during the winter hunting season (FGC § 3040).
- 3) Authorizes a California unlicensed resident to hunt during a free hunting day, subject to certain conditions and restrictions, if accompanied by a licensed hunter (FGC § 3040).
- 4) Prohibits the provisions relating to free hunting days from being implemented until the DFW's ALDS is fully operational for at least one year (FGC § 3040).
- 5) Requires possession of a fishing license to take fish (FGC § 7145).
- 6) Authorizes the Director of the DFW to designate two free fishing days per year, and subjects non-licensed participants in free fishing days to all rules and regulations that apply to a licensed sportfisher (FGC § 7149.7).

**FISCAL EFFECT:** Unknown. This bill is keyed fiscal.

**COMMENTS:**

- 1) **Purpose of this bill.** According to the author,

(This bill) would require the Director of the DFW to declare two free hunting days, one in the spring and one in the fall, no later than July 1, 2022. On these designated days, an unlicensed hunter who has completed the Hunter Safety Course would be allowed to hunt without a license – if accompanied by a licensed

hunter, 21 years or older, who has held a valid hunting license for at least the last three consecutive years.

To ensure necessary safety in the field and appropriate hands-on supervision, (this bill) would restrict licensed mentors to only accompanying one unlicensed hunter at a time and require the unlicensed hunter to always remain in close visual and verbal contact with the licensed hunter.

Additionally, the bill changes the seasons of these free hunting days from winter and fall hunting seasons, to spring and fall hunting seasons. This change is needed because turkeys hunted during the spring season are an excellent introductory game species with low barriers to entry and minimal equipment requirements.

- 2) **Background.** The North American Model of Wildlife Conservation is a set of principles that guides wildlife management and conservation decisions in the United States and Canada. The model has its origins in the nineteenth century conservation movement, the near extinction of several species of wildlife (including the American Bison), and the rise of sport hunting. Beginning in the 1860s, sport hunters began to organize and advocate for the preservation of wilderness areas and wildlife. The North American Model of Wildlife Conservation rests on two basic principles – fish and wildlife are for the non-commercial use of citizens, and should be managed by the government such that they are available at optimum population levels forever.

Hunting is used as one tool to maintain wildlife populations at optimum levels. In addition, the sale of hunting licenses, tags, and stamps is the primary source of funding for a large portion of state wildlife conservation efforts. Federally, the Pittman-Robertson Wildlife Restoration Act and Dingell-Johnson Sport Fish Restoration Act fund conservation efforts through excise taxes placed on firearms, ammunition, archery equipment, fishing tackle, and boating equipment. Those funds are distributed back to the states to fund the acquisition and improvement of wildlife habitat, wildlife research, hunter education, wildlife reintroduction, and the construction of public shooting ranges. These conservation programs benefit many wildlife species, both hunted and non-hunted. California received approximately \$19.5 million in Pittman-Robertson funds in 2020.

*Hunting Licenses.* Prior to applying for a hunting license, California requires hunter education training for those who have never held a California hunting license, who do not have a hunter education certificate, or who do not have a hunting license from another state or province issued within the past two years. The hunter education course typically includes a minimum of 10 hours of classroom, homework, and field instruction. A hunting license is required for taking any bird or mammal in California. Hunters must carry licenses and be prepared to show them upon request. Hunting licenses are available in various categories including: residents over 18 years of age, nonresidents over 18 years of age, and junior hunting licenses for those under 16 years of age. There are also nonresident licenses available for one- and two-day periods with specified restrictions, as well as hunting licenses for seniors, disabled veterans, recovering service members, and lifetime hunting licenses.

The licensing year for hunting licenses runs from July 1 to June 30 of the following year. The current license price, including certain fees, for the July 1, 2020, through

June 30, 2021, period for residents at least 18 years of age is \$51.02 and for persons under 16 years of age is \$13.53. Entitlements (harvest tags, report cards, validations) are required for many species, typically have an additional cost, and are purchased as add-ons to a base license. As a result, the ALDS might need to be updated if non-licensed hunters would be allowed to purchase entitlements for hunting on the designated free hunting days.

Hunting license sales generated more than \$25 million per year for the last seven years, including the sale of hunting tags, validations, and other entitlements. This does not include Pittman-Robertson funding received in those years.

*Free Fishing and Hunting Days.* Since 1991, the Director of the DFW has had the ability to authorize not more than two free fishing days. Traditionally, the Saturdays around the 4th of July and Labor Day holidays have been designated as free fishing days and two free days have been offered every year since 1991. The extent to which free fishing days have increased participation is not known as participation has not been tracked.

Since 2012, the Director of the DFW has had the ability to authorize two free hunting days, one in the fall hunting season and one in the winter hunting season. To date, the Director has not authorized any free hunting days. The extent to which free hunting days would increase participation is not known and there is no requirement that the impacts of free hunting days be tracked.

*Free Hunting Days Eligibility.* To be eligible to hunt on free hunting days, a non-licensed individual must be a resident of the state, participate only for one license year, and have completed a hunter education course. The non-licensed individual is subject to all limitations, restrictions, conditions, statutes, rules, and regulations applicable to the holder of a valid hunting license, except the requirement to possess a valid hunting license. The unlicensed hunter must be supervised by a hunter who has held a hunting license for at least three consecutive years, is over 21 years of age, and is close enough at all times to assume control of a firearm from the unlicensed hunter.

*What Could Be Hunted on a Free Hunting Day?* Depending on the season, unlicensed hunters would likely be able to hunt turkey, Eurasian collared-dove, jackrabbits, squirrels, and nongame animals without purchasing additional validations or tags. If the unlicensed hunters are able to purchase validations, wild pigs and upland game birds, as well as waterfowl with a federal duck stamp, could also be hunted. Existing law excludes an unlicensed hunter from hunting any species that requires a drawing or lottery to obtain a tag. There are big game tags available outside of the drawing and lottery systems.

*Recruitment, Reactivation, and Retention (R3).* In California, sales of annual hunting licenses have decreased about 65 percent since 1970. On average, during the 1970s, about 630,000 hunting licenses were sold per year. In 2019, California issued 249,856 hunting licenses. In 2020, even with public land closures due to the COVID-19 pandemic, hunting licenses sales increased by more than ten percent to 278,698 hunting licenses sold.

The question of how to attract new hunters, which has ramifications for conservation funding, has been debated for some time. Those concerned about the decline have identified R3 programs as the best approach to reverse the decline in hunting. The DFW released a California Hunting and Fishing R3 Action Plan in February 2019, and released a R3 Implementation Strategy in February 2020.

One goal of the R3 Implementation Strategy is to evaluate the current California hunting and fishing license pricing and product mixes against other alternatives with a goal of increasing participation, achieving a revenue neutral outcome, and adding value for the customer. The timeline for completing this goal is unknown at this time, but DFW has requested funding in the Governor's 2021-2022 budget for license modernization efforts.

*Do Fee Reductions Encourage New Hunters?* A common complaint is that California has some of the highest hunting license prices in the country. For example, an annual resident hunting license in Texas is \$25, compared to \$51.02 in California. Hunting licenses in many other states are even less expensive than Texas. In recent years, the Legislature has considered numerous bills to reduce or eliminate various fees for all hunters or certain subsets of the hunting community, such as junior hunters or disabled veterans. The goal is to make hunting more accessible.

However, it is not clear that these changes encourage greater participation since the beneficiaries of these changes, or likely parents in the case of junior hunters, may have been likely to purchase a full price license and other required validations. This is a common critique of R3 programs. Developed by R3 stakeholders, who usually belong to the outdoor industry, state wildlife agencies, or conservation-focused nongovernmental organizations, these programs can fail to reach a new, diverse audience. There are R3 models that can be effective, but prioritizing the implementation of successful models along with rigorous data collection to measure effectiveness are essential.

The barrier to becoming a hunter, or to resuming hunting after time away from the sport, is likely more complex than simply the cost of a license. Demographic and cultural shifts, as well as the aging of traditional hunters, complicate the recruitment of new hunters. The country has seen a cultural shift from consumptive uses of nature, like hunting, to non-consumptive recreational uses, like hiking and mountain biking. In addition, baby boomers (individuals between 57 and 75 years old) make up roughly a third of all hunters nationally, many of whom may have already aged out of hunting.

*DFW Budget.* DFW has on-going budgetary issues. Following a multi-year structural deficit in the Fish and Game Preservation Fund (FGPF), DFW's discretionary spending fund, the Budget Act of 2018 required the DFW to undergo a service based budgeting (SBB) review. The report on the SBB review was provided to the Legislature in early 2021.

The review identified the gaps between DFW's "mission" level of service (defined as the service standards and essential activities required for DFW to meet its mission and statutory requirements) and its current service levels. DFW determined that the

number of staff hours currently being spent are far below what would be needed to meet mission levels in most service areas. Current service levels are less than one-third of mission levels in most areas. Existing service levels in the species and habitat conservation, permitting and environmental protection, law enforcement, and public use and enjoyment service areas each fall short of mission levels by at least 1.4 million hours a year. The Legislature is encouraging DFW, working through the 2021-2022 budget process, to explore a work plan to address the gaps identified in the SBB review.

*Other States.* Oklahoma, Tennessee, South Carolina, and Arizona have similar free hunting day statutes or other opportunities for unlicensed hunters. Oklahoma allows unlicensed hunters to hunt during the first weekend of September for the opening of dove season. Unlicensed resident hunters are allowed to take dove, squirrel, raccoon, beaver, striped skunk, coyote, rail, gallinule, teal, and resident Canada geese, but hunters who plan to pursue teal, geese, rail or gallinule on the free hunting days must carry the federal waterfowl stamp unless exempt. Proof of hunter education is required and must be carried by the unlicensed hunter. Tennessee offers one free hunting day on the opening day of squirrel season and allows the take of squirrels, armadillo, beaver, coyote, groundhog, and striped skunk. The unlicensed hunter must also satisfy a hunter education requirement.

- 3) **Arguments in Support.** Those in support argue that this bill will help stem the long-term decline in hunting license sales and the critical revenues hunters generate.
- 4) **Prior and Related Legislation.**

AB 2299 (Gallagher), 2019-20 Session, was substantially similar to this bill. The bill was not heard due to COVID-related scheduling changes.

AB 2670 (Kiley), 2017-18 Session, was substantially similar to this bill. The bill was held in Assembly Appropriations.

SB 1179 (Hollingsworth), Chapter 410, Statutes of 2010, authorized the Director of DFW to designate two free hunting days per year to eligible unlicensed hunters, as specified.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Black Brant Group, The  
Cal-Ore Wetlands and Waterfowl Council  
California Bowmen Hunters/State Archery Association  
California Chapter Wild Sheep Foundation  
California Deer Association  
California Hawking Club  
California Houndsmen for Conservation  
California Rifle and Pistol Association, Inc.  
California Sportsman's Lobby, Inc.  
California Waterfowl Association  
Nor-Cal Guides and Sportsmen's Association

Outdoor Sportsmen's Coalition of California  
Rocky Mountain Elk Foundation  
Rural County Representatives of California  
Safari Club International - California Chapters  
Safari Club International - San Francisco Bay Area Chapter  
San Diego County Wildlife Federation  
Suisun Resource Conservation District  
Tulare Basin Wetlands Association

**Opposition**

None on file

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