

State of California
Fish and Game Commission
Initial Statement of Reasons for Regulatory Action

Amend Section 700.4
Title 14, California Code of Regulations
Re: Electronic License Display

I. Date of Initial Statement of Reasons: October 12-13, 2022

II. Dates and Locations of Scheduled Hearings

(a) Notice Hearing

Date: October 12-13, 2022 Location: Kings Beach

(b) Discussion Hearing

Date: December 14-15, 2022 Location: San Diego

(c) Adoption Hearing

Date: February 2023 Location: Sacramento

III. Description of Regulatory Action

(a) Statement of Specific Purpose of Regulatory Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations.

BACKGROUND

Section 1050 of the Fish and Game Code authorizes the California Fish and Game Commission (Commission) to determine the form of all licenses, permits, tags, reservations, and other entitlements and the method of carrying and displaying all licenses. The regulations are in sections 700 and 700.4.

Section 1050.4 of the Fish and Game Code authorizes the Department of Fish and Wildlife (Department) to provide an option to display a sport fishing license, validation, report card, or other sport fishing entitlement electronically on a mobile device.

Based on Section 1050 of the Fish and Game Code and the regulatory directive of AB 817, which creates Section 1050.4 of the Fish and Game Code, the Commission is proposing to amend Section 700.4 to include electronic display as part of the Automated License Data System (ALDS).

CURRENT REGULATIONS

The current regulations (existing Section 700) state every person, while engaged in taking any fish, amphibian, reptile, bird, or mammal shall have on their person or immediate possession a valid sport fishing or hunting license. ALDS allows license items to be printed instantly using

point of sale terminals at Department license agents and Department license sales offices (existing Section 700.4). ALDS also allows applicants to apply for licensing via the Internet, print out a temporary license, and receive a permanent license via mail. These options will remain available.

The proposed changes to Section 700.4 include the following: 1) adding language to allow the Department to accept electronic display of licenses on an official Department application; and 2) non-substantive changes to language and punctuation.

PROPOSED REGULATIONS

The regulatory changes the Commission is proposing are described below by subsection.

Subsection (f) Electronic License Display. Adds subsection (f) to allow the Department to accept electronic display of licenses on an official Department application.

Several non-substantive changes are proposed to provide consistency among Title 14 sections.

(b) Goals and Benefits of the Regulation

These regulations will allow the Department to accept proof of valid licenses using a mobile application as an alternative to carrying a paper license.

Technology has changed significantly and there has been an increased demand for electronic license display. Licensees may forget a paper copy of a license but are likely to have a mobile device. The regulatory action proposed herein will provide flexibility in the method licensees may use to verify license validity.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: Section(s) 1050, 1050.4, Fish and Game Code

Reference: Section(s) 713, 1050, 1050.4, Fish and Game Code

(d) Specific Technology or Equipment Required by Regulatory Change

None.

(e) Identification of Reports or Documents Supporting Regulation Change

None.

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

Wildlife Resources Committee: May 19, 2022

Marine Resources Committee: July 14, 2022

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

No alternatives were identified by or brought to the attention of Commission staff that would have the same desired regulatory effect.

(b) No Change Alternative

If the proposed amendments are not adopted, the Department will continue to allow only paper copies for proof of valid licenses. This may result in licensees without proof of a valid license in their possession, as well as frustration that the Department has not modernized its practices.

(c) Description of Reasonable Alternatives that Would Lessen Adverse Impact on Small Business

None identified.

V. Mitigation Measures Required by Regulatory Action

The proposed regulatory action will have no significant adverse effect on the environment, and therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States

The proposed regulation will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This regulatory action will not impose cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulation.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment.

The Commission does not anticipate impacts on the creation or elimination of jobs within the state, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California because the proposed regulations are unlikely to change the demand for goods or services related to sport fishing. The Commission does not anticipate direct benefits to the general health and welfare of California residents, the environment, or to worker safety, however, as stated above, the proposal would benefit California residents generally by expanding the options for proof of licensure to include electronic display.

(c) Cost Impacts on a Representative Private Person or Business

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

The Department ALDS estimates a one-time implementation cost of \$448,975 to contract with

Aspira for the development of the electronic license display application that is fundamental to the proposed regulation. These costs are within existing budgets and resources.

No impact to federal funding to the state should occur. No nondiscretionary costs, or savings are anticipated for State agencies other than the Department due to this regulation change.

(e) Nondiscretionary Costs/Savings to Local Agencies

None.

(f) Programs Mandated on Local Agencies or School Districts

None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code

None.

(h) Effect on Housing Costs

None.

VII. Economic Impact Assessment

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

The Commission does not anticipate impacts on the creation or elimination of jobs within the state because the proposed regulations are unlikely to change the demand for goods or services related to sport fishing.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The Commission does not anticipate impacts on the creation of new business, the elimination of existing businesses within the state because the proposed regulations are unlikely to change the demand for goods or services related to sport fishing.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

The Commission does not anticipate impacts on the expansion of businesses currently doing business within the state because the proposed regulations are unlikely to change the demand for goods or services related to sport fishing.

(d) Benefits of the Regulation to the Health and Welfare of California Residents

The Commission does not anticipate impacts on the health and welfare of California residents.

(e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate impacts on to worker safety.

(f) Benefits of the Regulation to the State's Environment

The Commission does not anticipate impacts to the state's environment.

Informative Digest/Policy Statement Overview

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations.

Section 1050 of the Fish and Game Code authorizes the California Fish and Game Commission (Commission) to determine the form of all licenses, permits, tags, reservations, and other entitlements and the method of carrying and displaying all licenses. The regulations are in Section 700 and 700.4.

Section 1050.4 of the Fish and Game Code authorizes the Department of Fish and Wildlife (Department) to provide an option to display a sport fishing license, validation, report card, or other sport fishing entitlement electronically on a mobile device.

Based on the regulatory directive of AB 817, which creates Section 1050.4 of the Fish and Game Code, the Commission is proposing to amend Section 700.4 to include electronic license display as part of the Automated License Data System (ALDS).

The proposed changes to Section 700.4 include the following:

Adds a new subsection to allow the Department to accept electronic display of licenses on an official Department application.

Makes non-substantive changes to language and punctuation.

BENEFIT OF THE REGULATIONS

These regulations will allow the Department to accept proof of valid licenses using a mobile application as an alternative to carrying a paper license.

Technology has changed significantly and there has been an increased demand for electronic license display. Licensees may forget a paper copy of a license but are likely to have a mobile device. The regulatory action proposed herein will provide flexibility in the method licensees may use to verify license validity.

CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

The Commission has reviewed its own regulations and finds that the proposed regulatory action is neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to the acceptable physical presentations of sport fishing and hunting licenses.