**FISH AND GAME CODE**
**SECTION 13100-13104**

13100. (a) The amounts paid to and retained in the county treasury

pursuant to Sections 12009 and 13003 shall be deposited in a county

fish and wildlife propagation fund and expended for the protection,

conservation, propagation, and preservation of fish and wildlife,

under the direction of the board of supervisors, pursuant to this

chapter.

 (b) All proposed expenditures from a county fish and wildlife

propagation fund shall be reviewed first at a regular meeting of the

county board of supervisors or its designated county fish and game

commission to ensure compliance with Section 13103.

13101. (a) The board of supervisors of any county may enter into a

written agreement with the board of supervisors of one or more

counties for the expenditure of any funds deposited in its fish and

wildlife propagation fund pursuant to Section 13100 for any purpose

authorized by Section 13103 in either, or any, of the counties for

the joint benefit of both, or all, of the counties as the judgment of

the boards of supervisors may direct. The purchase of real property

necessary for that purpose is lawful and title thereto shall be taken

in the joint names of each county which contributes funds therefor.

The property may be deeded to the state upon the express condition

that it shall be employed for the purposes of this chapter within the

counties.

 (b) The board of supervisors of one or more counties may enter

into a written agreement with the department for the expenditure of

any funds deposited in its fish and wildlife propagation fund

pursuant to Section 13100 for any purpose authorized by Section

13103.

13102. Expenditures from the fish and game propagation fund of any

county shall be subject to the provisions of Division 3 (commencing

with Section 29000) of Title 3 of the Government Code.

13103. Expenditures from the fish and wildlife propagation fund of

any county may be made only for the following purposes:

 (a) Public education relating to the scientific principles of fish

and wildlife conservation, consisting of supervised formal

instruction carried out pursuant to a planned curriculum and aids to

education such as literature, audio and video recordings, training

models, and nature study facilities.

 (b) Temporary emergency treatment and care of injured or orphaned

wildlife.

 (c) Temporary treatment and care of wildlife confiscated by the

department as evidence.

 (d) Breeding, raising, purchasing, or releasing fish or wildlife

which are to be released upon approval of the department pursuant to

Sections 6400 and 6401 onto land or into waters of local, state, or

federal agencies or onto land or into waters open to the public.

 (e) Improvement of fish and wildlife habitat, including, but not

limited to, construction of fish screens, weirs, and ladders;

drainage or other watershed improvements; gravel and rock removal or

placement; construction of irrigation and water distribution systems;

earthwork and grading; fencing; planting trees and other vegetation

management; and removal of barriers to the migration of fish and

wildlife.

 (f) Construction, maintenance, and operation of public hatchery

facilities.

 (g) Purchase and maintain materials, supplies, or equipment for

either the department's ownership and use or the department's use in

the normal performance of the department's responsibilities.

 (h) Predator control actions for the benefit of fish or wildlife

following certification in writing by the department that the

proposed actions will significantly benefit a particular wildlife

species.

 (i) Scientific fish and wildlife research conducted by

institutions of higher learning, qualified researchers, or

governmental agencies, if approved by the department.

 (j) Reasonable administrative costs, excluding the costs of audits

required by Section 13104, for secretarial service, travel, and

postage by the county fish and wildlife commission when authorized by

the county board of supervisors. For purposes of this subdivision,

"reasonable cost" means an amount which does not exceed 15 percent of

the average amount received by the fund during the previous

three-year period, or ten thousand dollars ($10,000) annually,

whichever is greater, excluding any funds carried over from a

previous fiscal year.

 (k) Contributions to a secret witness program for the purpose of

facilitating enforcement of this code and regulations adopted

pursuant to this code.

 (l) Costs incurred by the district attorney or city attorney in

investigating and prosecuting civil and criminal actions for

violations of this code, as approved by the department.

 (m) Other expenditures, approved by the department, for the

purpose of protecting, conserving, propagating, and preserving fish

and wildlife.

13104. The department may audit, or require the county to audit,

expenditures by the county from its fish and wildlife propagation

fund in order to determine compliance with this chapter. If, after

reviewing the audit, the department determines that expenditures are

not in compliance with this chapter, the department may require that

all expenditures from the fund be temporarily suspended, or it may

seek reimbursement of funds that the department determines, based on

the audit, were expended improperly, or both.