

**CALIFORNIA FISHERIES & SEAFOOD INSTITUTE
LEGISLATIVE REPORT
NOVEMBER 2009**

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BILL NUMBER: AB 226 AMENDED

INTRODUCED BY Assembly Member Ruskin
(Coauthor: Assembly Member Saldana)

FEBRUARY 4, 2009

LEGISLATIVE COUNSEL'S DIGEST

AB 226, as amended, Ruskin. Coastal resources: California Coastal Act of 1976: enforcement.

~~—(1) The~~ *The* California Coastal Act of 1976 requires a person undertaking development in the coastal zone to obtain a coastal development permit in accordance with prescribed procedures. Existing law authorizes the superior court to impose civil liability on a person who performs or undertakes development that is in violation of the act or that is inconsistent with a previously issued coastal development permit, and on a person who violates the act in any other manner and authorizes a person to maintain an action for recovery of these civil penalties.

This bill would provide that a person who violates the act is subject to an administrative civil penalty that may be imposed by the California Coastal Commission by a majority vote of the commissioners, upon consideration of various factors, in a public hearing, as specified, in an amount no less than \$5,000 and no more than \$50,000 for each violation.

This bill would provide that a person, as defined, shall not be subject to both monetary civil liability imposed by the commission and monetary civil liability imposed by the superior court for the same act or failure to act. In the event that a person who is assessed a penalty by the commission fails to pay the penalty, fails to comply with a restoration or cease and desist order, or challenges any of these actions in a court of law, the commission may maintain an action or otherwise engage in judicial proceedings to enforce those requirements and the court may grant any relief, as specified.

This bill would also allow the commission to record a lien on the property of a violator in the amount of the penalty assessed by the commission if the violator fails to pay the fine.

~~—(2) The act also requires that all funds derived from the payment of a penalty are to be deposited into the Violation Remediation Account of the Coastal Conservancy Fund, until appropriated by the Legislature, for purposes of carrying out the act.~~

~~—This bill would instead require that all penalties derived from the payment of a penalty be deposited into the Coastal Act Services Fund, until appropriated by the Legislature, for the purposes of carrying out the act.~~

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

BILL NUMBER: AB 291 AMENDED

INTRODUCED BY Assembly Member Saldana

(~~Coauthor: Assembly Member Ruskin~~ *Coauthors: Assembly Members Blumenfield, Ruskin, and Swanson*)

FEBRUARY 13, 2009

LEGISLATIVE COUNSEL'S DIGEST

AB 291, as amended, Saldana. Coastal resources: coastal development permits: penalties.

The California Coastal Act of 1976 requires any person undertaking development in the coastal zone to obtain a coastal development permit issued by the California Coastal Commission in accordance with prescribed procedures. The act authorizes civil liability to be imposed on any person who performs or undertakes development that is in violation of the act or that is inconsistent with any previously issued coastal development permit, subject to specified maximum and minimum amounts, varying according to whether the violation is intentional and knowing.

The bill would prohibit the commission , *with exceptions*, from filing as complete , or acting upon ,

an application for a coastal development permit ~~for development on any property~~ *for a project on property* that is subject to ~~or is in common and contiguous ownership with any property that is subject to~~ an existing violation case for which a violation notification letter has been sent, or a cease and desist order, restoration order, or notice of violation has been issued or recorded until the violation has been resolved. ~~The bill would also provide that this requirement would not apply if the executive director of the commission determines that the application includes a provision that would fully resolve the violation consistent with the act.~~ The bill would authorize the commission to resolve any unresolved dispute between the executive director and an applicant regarding the implementation of the above provision at a noticed hearing. This bill would authorize the commission to file as complete an application for a coastal development permit for development on such a property if the violation is ~~de minimus~~ *de minimis, as defined*. This bill would prohibit the commission from taking action on the application until the ~~de minimus~~ *de minimis* violation has been resolved, as determined by the executive director.

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

BILL NUMBER: AB 489 AMENDED

INTRODUCED BY Assembly Member Huffman

FEBRUARY 24, 2009

LEGISLATIVE COUNSEL'S DIGEST

AB 489, as amended, Huffman. Commercial fishing.

Existing law regulating commercial fishing imposes, or authorizes the imposition of, various license, permit, and registration fees.

Existing law requires specified persons to pay commercial fishing fees, referred to as a "landing tax," calculated on the total weight of fish delivered, based on a rate-per-pound schedule applicable to specified aquatic species.

This bill, *on January 1, 2011*, would ~~delete~~ *repeal* that fee requirement and that rate schedule, and, instead, impose a fee calculated as a set percentage of the average ex-vessel price, as defined, established by the Fish and Game Commission for a species of fish. The bill would require the fees to be used by the department for the commercial fishing program pursuant to specified provisions of law. The bill would make conforming changes to refer to the fee as a "landing fee" instead of a "landing tax."

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

BILL NUMBER: AB 571 ENROLLED

INTRODUCED BY Assembly Member Saldana

FEBRUARY 25, 2009

LEGISLATIVE COUNSEL'S DIGEST

AB 571, Saldana. Commercial fishing: lobster management enhancement.

Existing law prohibits the taking of lobsters for commercial purposes except under a valid lobster permit issued by the Department of Fish and Game. The base permit fee for a lobster permit is \$265.

This bill, commencing April 1, 2010, and until March 31, 2015, would impose, in addition to the permit fee, a supplemental fee of \$300, to be known as the Lobster Management Enhancement Supplement. The bill would require the department to deposit supplement revenues in the Lobster Management Enhancement Account, which the bill would create in the Fish and Game Preservation Fund. The bill would require that money in the account be expended by the department, upon appropriation by the Legislature, exclusively to fund specified projects and programs to improve lobster sustainability and

management. The bill would create a 5-member Lobster Management Enhancement Advisory Committee to recommend to the department projects and programs and budgets for the expenditure of account moneys, including a plan to prioritize expenditures. Those lobster management enhancement provisions would be repealed on January 1, 2016.

Existing law prescribes the construction and dimensions of a wire lobster trap.

This bill would revise the prescribed dimensions of wire lobster traps, and would add provisions relating to the use of a wire to hold the escape gap in place.

BILL NUMBER: AB 708 CHAPTERED

INTRODUCED BY Assembly Member Huffman

(Coauthors: Assembly Members Tom Berryhill, Fletcher, and Krekorian)

(Coauthor: Senator Strickland)

FEBRUARY 26, 2009

LEGISLATIVE COUNSEL'S DIGEST

AB 708, Huffman. Fish and wildlife: poaching.

Existing law regulates the taking or possession of birds, mammals, fish, amphibians, and reptiles. Except as expressly provided otherwise in the Fish and Game Code, any violation of that code, or of any rule, regulation, or order made or adopted under that code, is a misdemeanor. Existing law specifically imposes a fine of up to \$30,000 or up to one year of imprisonment, or both, for the knowing unlawful taking of listed animals for commercial purposes, for the knowing unlawful possession for commercial purposes of any part of a mountain lion, bear, wild pig, bighorn sheep, elk, antelope, or deer, a pelt of a furbearing mammal, a live reptile or amphibian, any fully protected, threatened, or endangered species, or any quantity of fish or shellfish in excess of the quantity permitted by the code, and for the knowing unlawful sale for commercial purposes, or the unlawful possession with the intent to sell, of any part of, or product made from, any wildlife. Existing law, except as specified, also prohibits any person convicted of a violation punishable under those unlawful taking and possession and sale provisions from thereafter taking wildlife in this state for a period of not less than one year from the date of conviction, and provides for the revocation of related entitlements. Existing law prohibits a person, upon the 3rd conviction of a specified violation relating to the taking or possession of fish, reptiles, or amphibia, or parts thereof, in any 5-year period, and upon any subsequent conviction during a 5-year period, from taking any fish, reptiles, or amphibian in the state for 3 years from the date of the last conviction, and requires the Fish and Game Commission to revoke the sport fishing license of such a person for the period of the prohibition.

This bill would delete those unlawful taking and possession and sale provisions and those specific taking and entitlement prohibitions. The bill would, instead, except as specified, provide that any person who illegally takes, possesses, imports, exports, sells, purchases, barter, trades, or exchanges any amphibian, bird, fish, mammal, or reptile, or part thereof, for profit or personal gain, is guilty of a misdemeanor punishable by a fine of not less than \$5,000, nor more than \$40,000, or imprisonment in the county jail for not more than one year, or by both that fine and imprisonment. The bill would increase the fine for a 2nd or subsequent violation. The bill would require that moneys equivalent to 50% of the revenue deposited in the Fish and Game Preservation Fund from fines and forfeitures collected pursuant to these provisions be allocated for the support of the Special Operations Unit of the Department of Fish and Game and used for law enforcement purposes and 50% of the revenue from a fine be paid to the county in which the offense was committed. The bill would require the county board of supervisors to first use those revenues to reimburse the costs incurred by the district attorney or city attorney in investigating and prosecuting the violation and would authorize the expenditure of any excess revenues in accordance with specified existing law.

The bill would provide that any person who illegally takes or possesses in the field more than 3 times the daily bag limit, or who illegally possesses more than 3 times the legal possession limit, of fish, reptiles, birds, amphibians, or mammals is guilty of a misdemeanor subject to a fine of not less than

\$5,000 nor more than \$40,000, or imprisonment in the county jail for not more than one year, or by both that fine and imprisonment. The bill would increase the fine for a 2nd or subsequent violation. The bill, except as specified, would provide that any person who maliciously and intentionally maims, mutilates, or physically tortures any fish, reptile, bird, amphibian, or mammal provided for in the code is guilty of a crime punishable as prescribed. The bill would require that 50% of the revenue from a fine collected pursuant to these provisions be paid to the county in which the offense was committed.

The bill would require the county board of supervisors to first use those revenues to reimburse the costs incurred by the district attorney or city attorney in investigating and prosecuting the violation and would authorize the expenditure of any excess revenues in accordance with specified existing law.

The bill would authorize the department, upon a conviction of certain violations, to suspend or permanently revoke a person's hunting or sport fishing license or permit privileges. The bill would authorize any person whose privileges are suspended or revoked to appeal the suspension or revocation to the commission, and would require the commission to initiate the appeal process within 12 months of the violator's appeal request. The bill would authorize the department to adopt regulations to implement those suspension and revocation provisions. The bill would authorize the forfeiture of any device or apparatus, including a vessel, vehicle, or hunting or fishing gear, used in the commission of specified offenses.

The bill, by creating new crimes, would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

BILL NUMBER: AB 825 CHAPTERED

INTRODUCED BY Assembly Member Blakeslee

FEBRUARY 26, 2009

LEGISLATIVE COUNSEL'S DIGEST

AB 825, Blakeslee. Crab traps.

Existing law regulates the Dungeness and rock crab fisheries.

Existing law sets forth the qualifications for a Dungeness crab vessel permit, and provides that no person shall use a vessel to take, possess, or land Dungeness crab for commercial purposes without a Dungeness crab vessel permit. Existing law regulates the size and features of traps that may be used to take Dungeness and rock crab, requires a crab taken with a crab trap used for the other crab species to be returned to the waters from which it was taken, and prohibits possession of both species aboard any vessel when the vessel is being used to take either rock crab or Dungeness crab.

This bill would permit the incidental take of rock crab with a Dungeness crab trap, and of Dungeness crab with a rock crab trap, during the season when both species may lawfully be taken, subject to specified existing law. The bill would delete the prohibition against possession of both species aboard a vessel.

The bill would require the Department of Fish and Game to submit a specified report to the Legislature by January 1, 2013.

BILL NUMBER: AB 883 AMENDED

INTRODUCED BY Assembly Member Huffman

FEBRUARY 26, 2009

LEGISLATIVE COUNSEL'S DIGEST

AB 883, as amended, Huffman. ~~Department of Fish and Game.~~

Natural Resources Agency: fish and wildlife resources.

Existing law establishes in state government the Natural Resources Agency, consisting of various departments, including the Department of Conservation, the Department of Fish and Game, and the Wildlife Conservation Board.

This bill would require the Secretary of the Natural Resources Agency to convene an advisory stakeholder committee to study and make recommendations to the Legislature and Governor with regard to actions to improve the state's management of fish and wildlife resources. The committee would be required to seek input from elected officials, governmental agencies, including the Department of Fish and Game, certain private entities, and other interested parties. The bill would require the committee to review, among other matters, options for securing stable, dedicated funding to support the state's changing fish and wildlife conservation needs.

~~Existing law establishes the Department of Fish and Game within the Natural Resources Agency, and generally charges the department with the administration and enforcement of the Fish and Game Code.~~

~~This bill would state the intent of the Legislature to enact legislation that would enhance the effectiveness, accountability, and capacity of the department to fulfill its public trust mission, take steps necessary to fulfill specified policy goals, and identify changes in organizational structure or statutory authorities that would enable the department and the state to more efficiently and effectively provide for the protection, conservation, and management of the state's fish and wildlife.~~

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

BILL NUMBER: AB 1052 CHAPTERED

INTRODUCED BY Assembly Member Caballero

FEBRUARY 27, 2009

LEGISLATIVE COUNSEL'S DIGEST

AB 1052, Caballero. Bay-Delta Sport Fishing Enhancement Stamp.

Existing law prohibits a person from sport fishing in the tidal waters of the San Francisco Bay Delta and the main stem of the Sacramento and San Joaquin Rivers, including major tributaries, below the most downstream dam, unless he or she first obtains a Bay-Delta Sport Fishing Enhancement Stamp or validation and affixes that stamp or validation to a valid sport fishing license.

Existing law requires the Department of Fish and Game or an authorized license agent to issue a Bay-Delta Sport Fishing Enhancement Stamp or validation upon payment of a prescribed fee. Existing law requires the funds generated by the imposition of these fees to be deposited in a separate account in the Fish and Game Preservation Fund, to be used solely for the long-term, sustainable benefit of the primary Bay-Delta sport fisheries, as specified. Existing law requires the director to appoint a 9 member Bay-Delta Sport Fishing Enhancement Stamp Fund Advisory Committee to recommend to the department projects and budgets for the expenditure of fee revenue. Those provisions are repealed as of January 1, 2010.

This bill would repeal the requirement to obtain a Bay-Delta Sport Fishing Enhancement Stamp or validation. The bill would continue indefinitely the Bay-Delta Sport Fishing Enhancement Stamp Advisory Committee, and would require the department to implement various provisions related to expenditures from the account. The bill would require the department, in consultation with the advisory committee, to develop a grant program, as prescribed. The department would be required to post on its Internet Web site projects undertaken with funds from the account.

BILL NUMBER: AB 1187 INTRODUCED

INTRODUCED BY Assembly Members Huffman and Caballero
(Principal coauthors: Assembly Members Arambula, Eng, Feuer, and Salas)

FEBRUARY 27, 2009

LEGISLATIVE COUNSEL'S DIGEST

AB 1187, as introduced, Huffman. Safe, Clean, Reliable Drinking Water Supply Act of 2010.

Under existing law, various measures have been approved by the voters to provide funds for water protection, facilities, and programs.

This bill would enact the Safe, Clean, Reliable Drinking Water Supply Act of 2010 which, if approved by the voters, would authorize, for the purposes of financing specified water supply reliability and water source protection programs, the issuance of bonds in the amount of \$10,035,000,000 pursuant to the State General Obligation Bond Law.

The act, if approved by the voters, would require the _____ to establish and impose a fee on users of water to be used for the purposes of the act, upon appropriation by the Legislature.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

BILL NUMBER: AB 1217 CHAPTERED

INTRODUCED BY Assembly Member Monning
(Coauthors: Assembly Members Caballero, Krekorian, and Salas)

FEBRUARY 27, 2009

LEGISLATIVE COUNSEL'S DIGEST

AB 1217, Monning. Ocean Protection Council: sustainable seafood.

The California Ocean Protection Act establishes the Ocean Protection Council in state government and provides that the council consists of the Secretary of the Natural Resources Agency, the Secretary for Environmental Protection, the Chair of the State Lands Commission, and 2 public members appointed by the Governor. The act requires the council, among other things, to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems and to establish policies to coordinate the collection and sharing of scientific data related to coast and ocean resources between agencies.

The act also creates the California Ocean Protection Council Trust Fund in the State Treasury and authorizes moneys deposited in the fund, upon appropriation by the Legislature, to be expended by the council for projects and activities authorized by the council consistent with the purposes of the act.

This bill would require the council to develop and implement a specified voluntary sustainable seafood promotion program. The program would, among other things, consist of a protocol to guide entities on how to be independently certified to internationally accepted standards for sustainable seafood, as defined, a marketing assistance program, and a competitive grant and loan program. It would prohibit seafood produced through aquaculture or fish farming from being certified as sustainable under these provisions until nationally or internationally accepted sustainability standards have been developed and implemented.

The bill also would provide that moneys in the trust fund may be expended for grants or loans to a private entity for projects or activities that further public purposes consistent with the voluntary sustainable seafood promotion program.

BILL NUMBER: AB 1253 AMENDED

INTRODUCED BY Assembly Members Fuller and Gilmore
(Coauthors: Assembly Members DeVore, Harkey, and Silva)

FEBRUARY 27, 2009

LEGISLATIVE COUNSEL'S DIGEST

AB 1253, as amended, Fuller. Sacramento-San Joaquin Delta: fish predation report.

The California Bay-Delta Authority Act establishes in the Natural Resources Agency the California Bay-Delta Authority. The act requires the authority and the implementing agencies to carry out programs, projects, and activities necessary to implement the Bay-Delta Program, defined to mean those projects, programs, commitments, and other actions that address the goals and objectives of the CALFED Bay-Delta ~~Program~~ *Programmatic* Record of Decision, dated August 28, 2000, or as it may be amended.

The act requires the authority to establish a board of independent scientists to advise and make recommendations to the authority and the Bay-Delta Public Advisory Committee, as appropriate, on the science relative to implementation of all program elements, including the science program element.

This bill would require the CALFED science program staff to conduct an independent scientific review of existing literature and studies on fish predation in the Sacramento-San Joaquin Delta, and to prepare and submit to the Legislature and the Governor a prescribed report.

The bill would also authorize the *Natural* Resources Agency, or a successor agency, to enter into funding agreements with public agencies and nongovernmental organizations to pay for the cost of the independent scientific review.

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

BILL NUMBER: AB 1279 INTRODUCED

INTRODUCED BY Assembly Member Monning

FEBRUARY 27, 2009

LEGISLATIVE COUNSEL'S DIGEST

AB 1279, as introduced, Monning. Salmon restoration projects: funding.

Existing law declares that the protection and conservation of state fish and wildlife resources are of the utmost public interest and provides for the conservation of these resources.

This bill would declare the intent of the Legislature to enact legislation that would fund salmon restoration projects.

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

BILL NUMBER: AB 1401 ENROLLED

INTRODUCED BY Assembly Member Ma
(Principal coauthor: Senator Leno)
(Coauthor: Assembly Member Huffman)

FEBRUARY 27, 2009

LEGISLATIVE COUNSEL'S DIGEST

AB 1401, Ma. Transition to Organics Act.

Existing law prohibits a food from being sold as organic unless it meets certain criteria, and accurate and specific records are kept detailing its production, handling, and sale.

This bill would enact the California Transition to Organics Act of 2009. The bill would establish the Transition to Organics Fund in the State Treasury, which would consist of moneys from federal, industry, and citizen sources. The bill would limit the expenditure of moneys from the fund to providing financial assistance to persons who transition their uncertified farms to certified organic farms and to covering administrative and operational expenses incurred in administering the act, as specified. The fund would be administered by the Secretary of Food and Agriculture, as provided, and the secretary would be authorized to adopt regulations to carry out the provisions of the act. The bill would also authorize the secretary to levy a civil penalty, as provided, upon a person who renders or furnishes false information to the secretary under the act.

BILL NUMBER: AB 1481 INTRODUCED

INTRODUCED BY Assembly Member Anderson

FEBRUARY 27, 2009

LEGISLATIVE COUNSEL'S DIGEST

AB 1481, as introduced, Anderson. Fisheries restoration.

The Keene-Nielsen Fisheries Restoration Act of 1985 funded Department of Fish and Game expenditures in fiscal years 1991-92 to 1993-94, inclusive, for the construction, operation, and administration of various projects designated in the plan developed by the department in accordance with the Salmon, Steelhead Trout, and Anadromous Fisheries Program Act, and projects designed to restore and maintain fishery resources and their habitat damaged by past water diversions and projects and other development activities.

This bill would make technical, nonsubstantive changes in that funding provision.

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

BILL NUMBER: AJR 8 CHAPTERED

INTRODUCED BY Assembly Member Monning

(Coauthors: Assembly Members Bill Berryhill, Blumenfield, Lieu, Nava, John A. Perez, Ammiano, Arambula, Bass, Beall, Blakeslee, Block, Brownley, Caballero, Coto, Davis, De La Torre, De Leon, Emmerson, Eng, Evans, Feuer, Fletcher, Fong, Fuentes, Hayashi, Hill, Huffman, Jones, Krekorian, Bonnie Lowenthal, Ma, Mendoza, Nestande, V. Manuel Perez, Portantino, Price, Ruskin, Salas, Saldana, Skinner, Audra Strickland, Swanson, Torlakson, Torrico, and Yamada)

(Coauthors: Senators DeSaulnier and Maldonado)

LEGISLATIVE COUNSEL'S DIGEST

AJR 8, Monning. Marine mammal protection: swordfish importation.

This measure requests the United States government to restrict swordfish imports unless and until there is a process by which a nation seeking to export swordfish or swordfish products to the United States provides reasonable proof of the effects on marine mammals of the commercial fishing technology used to obtain the swordfish or swordfish products, and the National Marine Fisheries Service receives that proof and determines that the proof demonstrates that the swordfish or swordfish products to be imported were not caught with commercial fishing technology that results in the incidental kill or incidental serious injury of marine mammals in excess of United States standards.

BILL NUMBER: SB 21 AMENDED

INTRODUCED BY Senator Simitian

DECEMBER 1, 2008

LEGISLATIVE COUNSEL'S DIGEST

SB 21, as amended, Simitian. Fishing gear.

(1) Existing law grants to the Fish and Game Commission powers relating to the protection and propagation of fish and game. Existing law establishes the Department of Fish and Game in the Resources Agency, and generally charges the department with the administration and enforcement of the Fish and Game Code. The department administers a commercial fishing licensing program and carries out various other functions relating to fishing. Existing law establishes the Ocean Protection Council and requires the council, among other things, to coordinate activities of state agencies, that are related to the protection and conservation of coastal waters and ocean ecosystems, and to establish policies to coordinate the collection and sharing of scientific data related to coastal and ocean resources between agencies.

This bill would require the department, in collaboration with the council, by January 1, 2011, to recommend to the commission sustainable funding sources for a program for the prevention of the loss of fishing gear and for the recovery of derelict fishing gear, as defined. The department would be required, by January 1, 2011, to include on all fishing licenses and in all appropriate official brochures a toll-free telephone number for the purpose of reporting derelict fishing gear and the address for an Internet Web site that maintains a reporting system for derelict fishing gear. The bill, on and after July 1, 2012, would require a person who loses commercial fishing gear, and certain commercial passenger fishing vessels, to report, in the manner prescribed by the department, in collaboration with the council, the location at which the fishing gear was lost, the name and fishing identification number of the person owning the fishing gear and of the person fishing with the gear if different than the owner, and the type of lost fishing gear within 48 hours of losing the fishing gear and returning to port. By July 1, 2012, the council would be required to identify and, if funding is available, establish and maintain, or support, a database of known derelict fishing gear. The council would be required by January 1, 2013, and annually thereafter, to take certain action to achieve specified targets for the removal and disposal of derelict fishing gear. On and after July 1, 2012, all traps and trawl nets deployed in the waters of the state would be required to be tagged or coded, in the manner prescribed by the department, in collaboration with the council, with specified information to aid in the identification of the source of any derelict fishing gear. The bill would provide that, if the department does not have sufficient personnel to carry out any of these provisions, the department would be authorized to contract with appropriate parties for those services if funds are available for that purpose.

Because, under existing law, a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

BILL NUMBER: SB 241 CHAPTERED

INTRODUCED BY Senator Runner
(Principal coauthor: Assembly Member Mendoza)

FEBRUARY 24, 2009

LEGISLATIVE COUNSEL'S DIGEST

SB 241, Runner. Retail food facilities.

(1) The California Retail Food Code provides for the regulation of health and sanitation standards for retail food facilities, including mobile food facilities and satellite food service, as defined, by the State Department of Public Health. Under existing law, local health agencies are primarily responsible for enforcing this code. A violation of these provisions is punishable as a misdemeanor.

The code defines an "egg" to mean the shell egg of a domesticated chicken, turkey, duck, goose, or guinea.

This bill would revise this definition to include the shell egg of an avian species, as specified, except a balut and an egg product.

This bill would define cold water and frozen food for purposes of the code.

The code defines a "major violation" to mean a violation of the code that poses an imminent health hazard and warrants immediate closure action.

This bill would instead apply this definition to a violation that may pose such a health hazard and warrant these actions.

(2) The code exempts from its provisions premises set aside for wine tasting. This bill would revise this exemption, as specified.

(3) The code exempts from its provisions child day care facilities, community care facilities, residential care facilities for the chronically ill, and residential care facilities for the elderly. The code requires, if and when a specific appropriation is made available, the State Department of Social Services to develop new regulations regarding food preparation provisions for child day care facilities, community care facilities, and residential care facilities for the elderly.

This bill would make technical, nonsubstantive changes to these provisions.

(4) The code defines prepackaged food as any properly labeled processed food, prepackaged to prevent direct human contact with the food product upon distribution from the manufacturer and prepared at an approved source.

This bill would revise this definition to include distribution from a food facility or other approved source.

(5) The code defines a produce stand to mean a permanent food facility that sells, offers for sale, or gives away only produce or shell eggs, or both.

This bill would exclude from this definition certain premises operated by a producer. It would also revise the definition of vermin, as specified.

This bill would additionally define a "single operating site mobile food facility" for purposes of the California Retail Food Code, and impose various requirements on these facilities. The bill would revise various standards applicable to mobile food facilities and satellite food service, with respect to water storage, contamination prevention, and construction standards.

(6) The code requires a local health officer, when notified of an illness that can be transmitted by food or a food employee of a food facility, to inform the local enforcement agency.

This bill would instead require the local enforcement agency to be informed when the local health officer is notified of an illness that can be transmitted by any employee of a food facility. By increasing duties of local officials, this bill would impose a state-mandated local program.

(7) The code prohibits food prepared in a private home from being used or offered for sale in a food facility.

This bill would also prohibit food stored in a private home from being used or offered for sale in a food facility.

(8) The code prohibits toilet rooms from being used for the storage of food, equipment, or supplies.

This bill would delete this prohibition.

The bill, among other things, would also revise provisions regarding the heating and cooling of food, lighting of specified rooms and areas, and the sanitization of utensils and equipment, and would make various technical, nonsubstantive changes.

By imposing new crimes and changing the definitions of existing crimes, this bill would impose a state-mandated local program.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(10) This bill would declare that it is to take effect immediately as an urgency statute.

BILL NUMBER: SB 301 INTRODUCED

INTRODUCED BY Senator Florez

FEBRUARY 25, 2009

LEGISLATIVE COUNSEL'S DIGEST

SB 301, as introduced, Florez. Water Supply Reliability and Ecosystem Recovery and Restoration Act of 2009.

Under existing law, various measures have been approved by the voters to provide funds for water protection, facilities, and programs.

This bill would enact the Water Supply Reliability and Ecosystem Recovery and Restoration Act of 2009, which, if approved by the voters, would authorize, for the purposes of financing specified water supply reliability and ecosystem recovery and restoration programs, the issuance of bonds in the amount of \$15,000,000,000 pursuant to the State General Obligation Bond Law. The bill would provide for submission of the bond act to the voters at the next statewide election.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

BILL NUMBER: SB 371 INTRODUCED

INTRODUCED BY Senator Cogdill

FEBRUARY 25, 2009

LEGISLATIVE COUNSEL'S DIGEST

SB 371, as introduced, Cogdill. Safe, Clean, Reliable Drinking Water Supply Act of 2009.

Under existing law, various measures have been approved by the voters to provide funds for water protection, facilities, and programs.

This bill would enact the Safe, Clean, Reliable Drinking Water Supply Act of 2009 which, if approved by the voters, would authorize, for the purposes of financing specified water supply reliability and water source protection programs, the issuance of bonds in the amount of \$9,980,000,000 pursuant to the State General Obligation Bond Law. The bill would provide for the submission of the bond act to the voters at the next statewide election.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

BILL NUMBER: SB 416 AMENDED

INTRODUCED BY Senator Florez

FEBRUARY 26, 2009

LEGISLATIVE COUNSEL'S DIGEST

SB 416, as amended, Florez. Antibiotics.

~~—(1) The~~ *The Pupil Nutrition, Health, and Achievement Act of 2001 requires a school to follow the Enhanced Food Based Meal Pattern, Nutrient Standard Meal Planning, or Traditional Meal Pattern developed by the United States Department of Agriculture or the Shaping Health as Partners in Education (SHAPE) Menu Patterns developed by the state in order to qualify for reimbursement for free and reduced-price meals sold or served to pupils. The act additionally prescribes nutrition standards for snacks sold to pupils in middle, junior, or high school with certain exceptions, and prohibits the sale of certain beverages to a pupil at an elementary school, except as specified. Existing law, commencing July 1, 2009, prohibits schools from making available to pupils food containing artificial trans fat, as specified.*

~~This bill would require~~ *authorize* a school district to make every effort to purchase poultry and meat products that have not been treated with nontherapeutic antibiotics, and ~~require~~ *authorize* each school district that purchases such poultry or meat products ~~, or each school district that does not know if the products have been treated with nontherapeutic antibiotics,~~ to report annually to the Superintendent of Public Instruction ~~the reasons those products were purchased, along with certain other information~~ *certain information relating to those products* .

~~The bill would require the Superintendent , commencing January 1, 2012, and annually thereafter, to compile those reports and report to the Legislature, as provided. The bill would require the reports of the school district and the Superintendent to be available to the public upon request. By imposing additional duties on local educational agencies, this bill would impose a state mandated local program~~ *to request information from the United States Department of Agriculture (USDA) relating to the use of nontherapeutic antibiotics in meat available to California schools through certain USDA programs. The bill would require the Superintendent, by July 1, 2011, to provide the Legislature with a copy of any information provided by the USDA* .

~~—(2) Existing law authorizes the Secretary of Food and Agriculture, if the secretary determines that an animal raised for the production of any food product is or may be carrying in its body pesticides, poisons, or other deleterious substances, including, among others, antibiotics, which may render any food product from such animal injurious to human health, to order the animal held and segregated until the secretary has determined that the animal may safely be released for human food purposes.~~

~~This bill would, commencing January 1, 2015, prohibit a person from using antibiotics for nontherapeutic use in any animal raised for the production of any human food product.~~

~~Under existing law, a violation of this provision of the bill would be a crime. Because this bill would create new crimes, the bill would impose a state mandated local program.~~

~~—(3) Under existing law, in the purchase of supplies, state and local governments are required to prefer supplies grown, manufactured, or produced in this state.~~

~~—(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~—This bill would also require state and local governments, when purchasing meat supplies, to prefer meat supplies produced without the use of medically important antibiotics as feed additives. Because this requirement would impose a new duty on local governmental agencies, the bill would impose a state-mandated local program.~~

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

BILL NUMBER: SB 456 INTRODUCED

INTRODUCED BY Senator Wolk

FEBRUARY 26, 2009

LEGISLATIVE COUNSEL'S DIGEST

SB 456, as introduced, Wolk. Safe, Clean, Reliable Drinking Water Supply Act of 2010.

Under existing law, various measures have been approved by the voters to provide funds for water protection, facilities, and programs.

This bill would enact the Safe, Clean, Reliable Drinking Water Supply Act of 2010 which, if approved by the voters, would authorize, for the purposes of financing specified water supply reliability and water source protection programs, the issuance of bonds in the amount of \$9,805,000,000 pursuant to the State General Obligation Bond Law.

The bill would provide for submission of the bond act to the voters at an unspecified statewide general election.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

BILL NUMBER: SB 539 AMENDED

INTRODUCED BY Senator Wiggins

FEBRUARY 27, 2009

LEGISLATIVE COUNSEL'S DIGEST

SB 539, as amended, Wiggins. Salmon and steelhead trout: California Ocean Protection Trust Fund.

The California Ocean Protection Act establishes the Ocean Protection Council in state government and provides that the council consists of the Secretary of the Natural Resources Agency, the Secretary for Environmental Protection, the Chair of the State Lands Commission, and 2 public members appointed by the Governor. The act requires the council, among other things, to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems, and to establish policies to coordinate the collection and sharing of scientific data related to coast and ocean resources between agencies. The act also establishes the California Ocean Protection Trust Fund and authorizes moneys in the trust fund to be expended, upon appropriation by the Legislature, and upon authorization by the council, for grants or loans to public agencies, nonprofit corporations, or private entities for, and direct expenditures on, various projects and activities related to the protection of coastal and ocean resources.

This bill would additionally include among the projects and activities eligible for funding from the trust fund ~~specified~~ projects and activities related to restoration of native salmon and steelhead trout populations and restoration of the state's salmon fishery.

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

BILL NUMBER: SB 609 CHAPTERED

INTRODUCED BY Senator Hollingsworth

FEBRUARY 27, 2009

LEGISLATIVE COUNSEL'S DIGEST

SB 609, Hollingsworth. Importation of crocodile and alligator parts.

Existing law, that becomes operative on January 1, 2010, makes it a crime to import into California for commercial purposes, to possess with intent to sell, or to sell any part or product of the dead body of a crocodile or alligator.

This bill would instead provide that this provision become operative on January 1, 2015. The bill would specify that it shall not be construed to authorize the importation or sale of any alligator or crocodilian species, or any products thereof, that is listed as endangered or that would be in violation of any federal law or international treaty, as specified.

BILL NUMBER: SB 735 INTRODUCED

INTRODUCED BY Senator Steinberg

FEBRUARY 27, 2009

LEGISLATIVE COUNSEL'S DIGEST

SB 735, as introduced, Steinberg. Safe, Clean, and Reliable Drinking Water Supply Act of 2010.

(1) Under existing law, various measures have been approved by the voters to provide funds for water supply and protection facilities and programs.

This bill would enact the Safe, Clean, and Reliable Drinking Water Supply Act of 2010, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$9,785,000,000 pursuant to the State General Obligation Bond Law to finance a water supply reliability and water source protection program.

The bill would authorize the Department of Water Resources to establish and impose fees on water users in the state, including residential, commercial, industrial, and agricultural water users. The bill would require the State Board of Equalization to collect the fee pursuant to the Fee Collection Procedure Law. The bill would require the funds generated from the imposition of the fee to be deposited in the California Water Resources Fund, which the bill would establish in the State Treasury. The bill would continuously appropriate the moneys in the California Water Resources Fund to the department to pay for certain administrative costs and refunds, and to reimburse the General Fund for payments made to finance the debt service on the bonds issued pursuant to the bond act.

The bill would provide for submission of the bond act to the voters at the November 2, 2010, statewide general election.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

BILL NUMBER: SB 778 AMENDED

INTRODUCED BY Senator Wiggins

FEBRUARY 27, 2009

LEGISLATIVE COUNSEL'S DIGEST

SB 778, as amended, Wiggins. Commercial fishing: salmon stamp.

Existing law, until January 1, 2012, prohibits specified persons from taking salmon for commercial purposes unless the person has a commercial fishing salmon stamp affixed to his or her commercial fishing license. Existing law requires the Department of Fish and Game to issue a commercial fishing salmon stamp, upon application for the stamp and payment of a base fee of \$85. That base fee is required to be adjusted during specified commercial salmon seasons.

However, existing law prohibits the total fees, as adjusted, from exceeding \$260.

This bill *would, instead, require payment of a fee of \$350 for a commercial fishing salmon stamp. The bill also* would delete an obsolete reference and make other technical, nonsubstantive changes in those provisions.

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

BILL NUMBER: SJR 18 INTRODUCED

INTRODUCED BY Senators Simitian, Cedillo, Hancock, Maldonado, Pavley, and Price

(Coauthors: Assembly Members Blumenfield, Chesbro, Huffman, Lieu, Monning, Nava, Ruskin, Salas, and Skinner)

AUGUST 25, 2009

LEGISLATIVE COUNSEL'S DIGEST

SJR 18, as introduced, Simitian. Marine aquaculture.

This measure would request the Congress to develop a comprehensive federal regulatory framework for marine aquaculture that is at least as protective as that codified in California's Sustainable Oceans Act to address environmental and economic concerns.

Fiscal committee: no.