

**CALIFORNIA FISHERIES & SEAFOOD INSTITUTE  
LEGISLATIVE REPORT  
NOVEMBER 2010**

<b>Bill</b>	<b>Author</b>	<b>Subject</b>
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AB 408	Saldana	Lobster Management Enhancement
AB 489	Huffman	Landing Taxes
AB 571	Saldana	Lobster Management Enhancement
AB 708	Huffman	Fish & Wildlife Poaching
AB 825	Blakeslee	Crab Traps
AB 883	Huffman	Natural Resources Agency: Fish & Wildlife Resources
AB 1052	Caballero	Bay-Delta Sport Fishing Enhancement Stamp
AB 1187	Huffman/Caballero	Safe, Clean, Reliable Drinking Water Supply Act of 2010
AB 1217	Monning	Ocean Protection Council: Sustainable Seafood
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SB 371	Cogdill	Safe, Clean & Reliable Drinking Water Supply Act of 2009
SB 416	Florez	Antibiotics
SB 456	Wiggins	Safe, Clean & Reliable Drinking Water Supply Act of 2010
SB 539	Wiggins	Salmon & Steelhead: CA Ocean Protection Trust Fund
SB 609	Hollingsworth	Importation of Crocodile & Alligator Parts
SB 735	Steinberg	Safe, Clean, & Reliable Drinking Water Act of 2010
SB 749	Strickland	Food Safety
SB 1093	Wiggins	OPC: Dungeness Crab Task Force
SB 1218	Florez	Fisheries
SJR 18	Numerous Senators	Marine Aquaculture

**BILL NUMBER: AB 291      CHAPTERED**

INTRODUCED BY Assembly Member Saldana (Coauthors: Assembly Members Blumenfield, Ruskin, and Swanson)

FEBRUARY 13, 2009

LEGISLATIVE COUNSEL'S DIGEST

AB 291, Saldana. Commercial fishing: lobster management.

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 408      ENROLLED**

INTRODUCED BY Assembly Member Saldana

FEBRUARY 23, 2009

LEGISLATIVE COUNSEL'S DIGEST

AB 408, 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, 2011, and until March 31, 2016, 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 that would be required to meet only once during any calendar year 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, 2017.

**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 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 1372      AMENDED**

INTRODUCED BY Assembly Member Feuer

FEBRUARY 27, 2009

LEGISLATIVE COUNSEL'S DIGEST

AB 1372, as amended, Feuer. Food processing establishments: Hazard Analysis *and* Critical Control Point plans.

Under existing law, the California Food Sanitation Act, a food processing establishment is required to satisfy prescribed sanitation requirements for purposes of food safety. A violation of these provisions is a misdemeanor.

This bill would require a food processing ~~establishment~~ *facility* to adopt and implement a Hazard-Analysis *and* Critical Control Point (HACCP) plan, as prescribed, including provisions for the testing of food and-ingredients for the presence of specified hazards to public health.—The bill would also impose reporting and recordkeeping requirements on food processing ~~establishments~~ *facilities*, as specified. The bill would impose these requirements commencing January 1, 2012, or January 1, 2013, depending upon the gross annual revenue of the food processing ~~establishment~~ *facility*.

This bill would require the State Department of Public Health to establish minimum standards and requirements for the HACCP plans, and review adopted plans for compliance. This bill would also require the department to conduct inspections, as prescribed, and would authorize the department to increase its annual inspection fee to include, but not exceed, the cost of this additional inspection component. The bill would require a food processing ~~establishment~~ facility to test its food and ingredients, as prescribed.

Because this bill would create a new crime, the bill 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.

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

**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: AB 2125      CHAPTERED**

INTRODUCED BY Assembly Member Ruskin

FEBRUARY 18, 2010

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2125, Ruskin. Coastal resources: marine spatial planning.

Existing law declares it is the policy of the state to assess the long-term values and benefits of the conservation and development of ocean resources and uses with the objective of restoring or maintaining the health of the ocean ecosystem and ensuring the proper management of renewable and nonrenewable resources.

Existing law requires the Ocean Protection Council to coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations, to establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies, and to identify and recommend to the Legislature changes in law needed to achieve these goals.

This bill would, consistent with the above goals and subject to the availability of funding, require the Ocean Protection Council, to support state agencies' use and sharing of scientific and geospatial information for coastal- and ocean-relevant decisionmaking, including marine spatial planning, by taking specified actions, to assess the needs of California's public agencies with respect to their abilities to gather, manage, use, and share information and decision-support tools relevant to ecosystem-based management in the coastal and ocean environment.

The bill would require each state agency, board, department, or commission with ocean or coastal management interests or regulatory authority to cooperate with the Ocean Protection Council to achieve all of the specified goals, subject to available funding and consistent with each entity's individual mandate. The bill would authorize the council to award grants, enter into interagency agreements, and provide assistance to public agencies and nonprofit organizations to support the achievement of these goals and would require the council to give preference to public agencies that are meeting these goals.

**BILL NUMBER: AB 2376      CHAPTERED**

INTRODUCED BY Assembly Member Huffman

FEBRUARY 19, 2010

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2376, Huffman. Fish and wildlife: strategic vision.

The California Constitution establishes the Fish and Game Commission and provides for the delegation to the commission of powers relating to the protection and propagation of fish and game. Existing statutory law delegates to the commission the power to regulate the taking or possession of birds, mammals, fish, amphibians, and reptiles in accordance with prescribed laws. Existing law establishes the Department of Fish and Game in the Natural Resources Agency, and generally charges the department with the administration and enforcement of the Fish and Game Code.

This bill would require the Secretary of the Natural Resources Agency to convene a committee, with membership as prescribed, to develop and submit to the Governor and Legislature, before July 1, 2012, a strategic vision for the department and the commission that addresses specified matters relating to state fish and wildlife resource management.

**BILL NUMBER: AB 2503      CHAPTERED**

INTRODUCED BY Assembly Member John A. Perez

FEBRUARY 19, 2010

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2503, John A. Perez. Ocean resources: marine resources and preservation.

Existing law establishes a California Artificial Reef Program, administered by the Department of Fish and Game, to include the placement of artificial reefs, as defined, in state waters and a prescribed study of existing successful reefs and new reefs to determine design criteria.



This bill would enact the California Marine Resources Legacy Act to establish a program to allow partial removal of offshore oil structures, administered by the department. The act would authorize the department to conditionally approve the partial removal of offshore oil structures, if specified criteria are satisfied, including a finding that the alternative of partial removal provides a net environmental benefit and substantial cost savings compared to the alternative of full removal of these structures. The act would require the Ocean Protection Council, for purposes of determining whether partial removal provides a net environmental benefit, to establish specified criteria, to consult with the department, the California Coastal Commission, the State Lands Commission, the California Ocean Service Trust, and other responsible agencies as to those criteria, and would require that partial removal comply with the California Environmental Quality Act. The act would require the State Lands Commission to determine the cost savings of partial removal, and would require the applicant, upon conditional approval for conversion, to apportion a percentage of the cost-savings funds in accordance with a prescribed schedule to the California Endowment for Marine Preservation, the county immediately adjacent to the location of the facility, the Fish and Game Preservation Fund, the Coastal Act Services Fund, and the General Fund. The act would prohibit the department from taking title to a decommissioned offshore oil structure in open coastal waters unless prescribed requirements are met. The bill would require the State Coastal Conservancy, upon the department's final approval of the first application, to create and update, as specified, an advisory spending plan for cost savings deposited in the endowment. The conservancy would be required to submit a copy of the spending plan and all updates to the Legislature, and the Board of Directors of the California Endowment for Marine Preservation.

The bill would establish the California Endowment for Marine Preservation, subject to the Nonprofit Public Benefit Corporation Law, in order to create a permanent source of funding for projects and programs that will conserve, protect, restore, and enhance the open coastal and marine resources of the state. The endowment would be governed by a board of directors, with membership and duties prescribed by the bill.

The bill would require the endowment to coordinate its activities with the Department of Fish and Game, the California Coastal Commission, the San Francisco Bay Conservation and Development Commission, the State Lands Commission, and appropriate federal agencies. The bill would require the endowment to allocate 10% of any funds received pursuant to the act to qualified state agencies within 24 months of receipt of the funds.

**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)

FEBRUARY 25, 2009

**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.

WHEREAS, California is a coastal state that is dedicated to the protection of our marine mammal populations, fisheries, and ocean resources; and

WHEREAS, California and the United States public have a strong interest in healthy global marine mammal populations; and

WHEREAS, Bycatch in some fisheries poses a significant threat to many populations of marine mammals around the world and scientists estimate that the global bycatch of marine mammals is likely to number in the hundreds of thousands each year; and

WHEREAS, Scientific experts from Duke University and the University of New Hampshire concluded in 2002 that, "incidental capture in fishing operations is the major threat to whales, dolphins, and porpoises worldwide. Several species and many populations will be lost in the next few decades if nothing is done"; and

WHEREAS, Congress recognized that some types of fishing pose a grave threat to marine mammal species when it passed the Marine Mammal Protection Act (16 U.S.C. Sec. 1361 et seq.) (MMPA), a law that imposes restrictions on fishery-related mortalities and injuries of marine mammals and has led to the establishment of significant regulatory protections designed to reduce marine mammal bycatch in United States domestic fisheries; and

WHEREAS, Conservation measures have been effective in reducing marine mammal bycatch in United States fisheries, resulting in a 40 percent decrease between 1990 and 1999; and

WHEREAS, Despite recognition of the importance of reducing bycatch of marine mammals in fisheries, our knowledge of the global extent, nature, and impacts of direct interactions between marine mammals and foreign fisheries is limited; and

WHEREAS, Congress also realized that marine mammal conservation could not be accomplished through regulation of United States fishermen alone, thereby mandating in Section 101(a)(2) of the MMPA that United States economic power be utilized to achieve conservation of marine mammals outside United States waters; and

WHEREAS, Section 101(a)(2) of the MMPA states that the United States government, "shall ban the importation of commercial fish or fish products that have been caught with commercial fishing technology that results in the incidental kill or incidental serious injury of marine mammals in excess of United States standards"; and

WHEREAS, The MMPA directs that the Secretary of Commerce "shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States"; and

WHEREAS, The United States imports over 10,000 metric tons of swordfish and swordfish products each year, making it one of the top swordfish consumers in the world; and

WHEREAS, The United States received swordfish imports from approximately 43 countries between 2005 and 2007, inclusive, yet the United States government reports that it has no information from any of these countries regarding their fishing practices, take of marine mammals, or any other information to satisfy the requirements of Section 101 of the MMPA as of December 2007; and

WHEREAS, The responsible United States agencies cannot confirm whether countries importing swordfish into the United States operate under a regulatory scheme that is comparable to United States standards without demanding, receiving, and assessing the proof required under Section 101(a)(2) of the MMPA; and

WHEREAS, It therefore seems that the United States has imported swordfish without obtaining the MMPA-mandated proof that the swordfish was caught in compliance with United States standards for the last 35 years; and

WHEREAS, Available information indicates that many of the countries exporting swordfish to the United States fail to regulate their fisheries in a manner that protects marine mammals, transship fish from other poorly regulated and destructive fisheries, or may not track bycatch data at all; and

WHEREAS, Collection and reporting of marine mammal bycatch in foreign fisheries under Section 101(a)(2) of the MMPA could help assist management organizations, such as regional fisheries organizations, in assessing fishery interaction mitigation strategies and directing conservation efforts; and

WHEREAS, United States swordfish fishermen compete with swordfish imports from many poorly regulated foreign fishermen operating without comparable and appropriate restraints on marine mammal bycatch; and

WHEREAS, Enforcement of Section 101 of the MMPA would provide an incentive for foreign fishing fleets to implement similar protective measures and gear requirements as United States fisheries, reducing foreign fleets' competitive advantage over United States fishermen; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California requests the National Marine Fisheries Service and Department of the Treasury, as appropriate, to carry out the nondiscretionary duties imposed by Section 101(a)(2) of the Marine Mammal Protection Act and immediately ban the importation of swordfish or swordfish products from any and all countries that have not satisfied the MMPA Section 101(a)(2) requirement; and be it further

Resolved, That the Legislature of the State of California requests the National Marine Fisheries Service to require nations wishing to export swordfish or swordfish products to the United States to provide information on the fishing methods used to catch the swordfish or swordfish products, programs in place to protect marine mammals from incidental harm by the fishery, and effectiveness of fishery monitoring and enforcement activities, and consider that information in making determinations under Section 101(a)(2) of the MMPA; and be it further

Resolved, That the Legislature of the State of California requests the United States government to restrict swordfish imports unless and until there is a process by which any 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 it 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; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to the Secretary of Commerce, to the Secretary of the Treasury, to the National Marine Fisheries Service, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

**BILL NUMBER: SB 21            ENROLLED**

INTRODUCED BY Senator Simitian

DECEMBER 1, 2008

LEGISLATIVE COUNSEL'S DIGEST

SB 21, Simitian. Fishing gear.

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.

This bill would require the department, by January 1, 2012, to include on all commercial fishing licenses and in all appropriate official brochures any toll-free telephone number or numbers, if available, for the purpose of reporting derelict fishing gear and any address or addresses, if available, for Internet Web sites that maintain a reporting system for derelict fishing gear. The bill would authorize the council to develop recommendations for the identification, removal, and disposal of derelict fishing gear and procedures that enable fishermen and fisheries to voluntarily recover, remove, and keep derelict fishing gear.

**BILL NUMBER: SB 35            AMENDED**

INTRODUCED BY Senator Oropeza

DECEMBER 10, 2008

LEGISLATIVE COUNSEL'S DIGEST

SB 35, as amended, Oropeza. Food donations.

Existing law, with specified exceptions, exempts a food facility that donates any food that is fit for human consumption at the time it was donated to a nonprofit charitable organization or a food bank from liability for any damage or injury resulting from the consumption of the donated food.

This bill would require the Governor to designate a state agency to establish and maintain a clearinghouse database that enables a food bank or a nonprofit organization, as defined, that has an interest in receiving nonperishable and perishable food donations to contact a food facility, as defined, that has an interest in donating food.

This bill would require the agency to prepare and make available informational materials regarding the clearinghouse *database*, as specified.

The bill would also require food facilities to include language in specified catering contracts that informs the purchaser of the food of the clearinghouse *database*.

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

**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      AMENDED**

INTRODUCED BY Senator Florez

FEBRUARY 25, 2009

LEGISLATIVE COUNSEL'S DIGEST

SB 301, as amended, Florez. ~~Water Supply Reliability and Ecosystem Recovery and Restoration Act of 2009~~ Salmon fisheries.

*Existing law requires the Fish and Game Commission to establish fish hatcheries for the purposes of stocking the waters of California with fish, and requires the Department of Fish and Game to maintain and operate those hatcheries.*

*Existing law requires the Department of Fish and Game to prepare and maintain a detailed and comprehensive program for the protection and increase of salmon, steelhead trout, and anadromous fisheries.*

*This bill would require the department to conduct a prescribed 5-year study to assess interactions between wild and naturally*

*spawned salmon, as defined, and to develop hatchery and stream management practices to ensure the viability of fish populations and to sustainably support fisheries. The department would be required, on or before January 1, 2015, to prepare and submit to the Legislature a report on the study. The bill would require the department to establish a study team of not fewer than 12 members, with membership as prescribed.*

~~—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~~ majority . 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 749      INTRODUCED**

INTRODUCED BY Senator Strickland

FEBRUARY 27, 2009

LEGISLATIVE COUNSEL'S DIGEST

SB 749, as introduced, Strickland. Food safety.

Existing law, the Sherman Food, Drug, and Cosmetic Law, prohibits, with specified exceptions, a person from engaging in the manufacture, packing, or holding of any processed food in this state unless the person has a valid registration from the State Department of Public Health.

This bill would make a technical, nonsubstantive change to the exceptions to the registration requirement.

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

**BILL NUMBER: SB 1093      AMENDED**

INTRODUCED BY Senator Wiggins

FEBRUARY 17, 2010

LEGISLATIVE COUNSEL'S DIGEST

SB 1093, as amended, Wiggins. Dungeness crab: pilot program.

(1) Existing law establishes the Ocean Protection Council and requires the council to, among other things, coordinate activities of state agencies that are related to the protection and conservation of coastal waters and ocean ecosystems to improve the effectiveness of state efforts to protect ocean resources within existing fiscal limitations.

Existing law requires the council to make a grant, upon appropriation of funding by the Legislature, for the development and administration of a Dungeness crab task force, and specifies the membership of the task force. Existing law requires the task force to cease to exist on January 1, 2011.

This bill would extend that date to January 1, 2015.

(2) *Existing law establishes the Dungeness crab seasons for commercial purposes.* Existing law authorizes the Director of Fish and Game to authorize one or more operators of commercial fishing vessels to take and land a limited number of Dungeness crab *in November of each year* for the purpose of quality testing according to a testing program and prohibits the sale of crab taken pursuant to the testing program, except for edible crab meat, which may be used for charitable purposes.

This bill would instead allow the crab taken pursuant to the testing program to be sold *after the opening of the Dungeness crab season in specified districts*, provided the proceeds of the sale are allocated to legitimate costs of the testing program, or used for charitable purposes.

(3) Existing law, until January 1, 2011, authorizes the placement of restrictions on a person's eligibility to take crab in state waters and offshore for commercial purposes.

This bill would delete the sunset date for this authority, and would authorize the director ~~to institute~~, *in consultation with the task force, to develop* a pilot program for Dungeness crab trap limits for all California permits. The bill would require the pilot program to contain specified requirements ~~and prohibit the pilot program from being implemented, modified, eliminated, or added to without at least 2/3 of the non ex officio members of the Dungeness crab task force voting in favor~~, *unless the director makes a specified finding. The bill would require the director to submit the proposed program to the task force for review and recommendations before implementing the program. The bill would authorize the director to implement the program, except as specified, if the director makes a prescribed finding. The bill would require the director to submit a report that includes the finding and the provisions of the final program to the task force and to certain legislative committees. The bill would authorize the task force to recommend the delay of the implementation of the program by up to 18 months, under prescribed circumstances. The bill would establish a corresponding procedure for modifications to the implemented program.*

(4) Existing law requires all money collected under the Fish and Game Code, or under any other law relating to the protection and preservation of birds, mammals, fish, reptiles, or amphibians, to be deposited into the Fish and Game Preservation Fund, unless otherwise provided.

The bill would require trap tag fees collected pursuant to the pilot program to be deposited in the Dungeness Crab Account of the Fish and Game Preservation Fund, created by this bill, and moneys in the account would be continuously appropriated to the department for purposes of administering the pilot program. The bill would authorize the department to borrow money from the ~~General Fund~~ *council* for purposes of meeting the necessary expenses of initial organization and operation of the pilot program.

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



**BILL NUMBER: SB 1218      INTRODUCED**

INTRODUCED BY Senator Florez

FEBRUARY 18, 2010

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1218, as introduced, Florez. Fisheries.

Existing law requires the Fish and Game Commission to establish fish hatcheries for the purposes of stocking the waters of California with fish, and requires the Department of Fish and Game to maintain and operate those hatcheries.

Existing law requires the Department of Fish and Game to prepare and maintain a detailed and comprehensive program for the protection and increase of salmon, steelhead trout, and anadromous fisheries.

This bill would require the department to conduct a prescribed 3-year study to assess interactions between hatchery fish and naturally spawned fish, as defined, and to develop hatchery and stream management practices to ensure the viability of fish populations and to sustainably support fisheries. The department would be required, on or before January 1, 2014, to prepare and submit to the Legislature a report on the study. The bill would require the department to establish a study team of not fewer than 12 members, with membership as prescribed.

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

**BILL NUMBER: SJR 18      CHAPTERED**

INTRODUCED BY Senators Simitian, Cedillo, Hancock, Maldonado, Pavley, and Price (Coauthors: Assembly Members Blumenfield, Chesbro, Huffman, Lieu, Monning, Nava, Ruskin, Salas, Skinner, Ammiano, Arambula, Beall, Block, Bradford, Brownley, Buchanan, CharlesB Calderon, Carter, Coto, Davis, DeB LaB Torre, DeB Leon, Eng, Evans, Feuer, Fletcher, Fong, Fuentes, Galgiani, Hall, Hayashi, Hernandez, Hill, Huber, Jones, BonnieB Lowenthal, Ma, Mendoza, JohnB A.B Perez, V.B ManuelB Perez, Portantino, Saldana, Swanson, Torlakson, and Torres)

AUGUST 25, 2009

**LEGISLATIVE COUNSEL'S DIGEST**

SJR 18, Simitian. Marine aquaculture.

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

WHEREAS, On June 12, 2009, President Barack Obama established the federal Interagency Ocean Policy Task Force to make recommendations for a comprehensive, integrated national policy that addresses the use of ocean resources and ensures the protection, maintenance, and restoration of the health of ocean and coastal ecosystems and resources; and

WHEREAS, The protection of California's spectacular 1,100-mile coastline is of the utmost importance to Californians and our state's coastal and ocean-dependent industries, including commercial fishing; and

WHEREAS, California's ocean waters contain marine protected areas and national marine sanctuaries that have special conservation, recreational, ecological, historical, cultural, archaeological, scientific, educational, and aesthetic qualities and are particularly sensitive to the impacts of marine aquaculture; and

WHEREAS, Marine aquaculture poses serious risks to California's ocean environment, including harmful interactions between escaped fish and native ecosystems; pollution from excess nutrients, waste feed, and release of drugs and chemicals; introduction and spread of disease, pathogens, and parasites to the ocean environment and marine wildlife; heightened pressure on ocean ecosystems through wild capture of forage fish for feedstuffs; threats to maritime safety and vessel navigation; potential negative public health impacts; and stress on existing commercial fisheries and coastal dependent communities; and

WHEREAS, Without strict protections for the natural environment, marine aquaculture has the potential to degrade the quality of our ocean water and adversely impact our wildlife and resources, including native fish and marine mammals such as the California seal and sea lion; and

WHEREAS, The California Sustainable Oceans Act (Chapter 36 of the Statutes of 2006) creates the strongest state regulation of marine aquaculture by providing comprehensive state standards and requiring complete environmental review to guard against the risks associated with marine aquaculture; and

WHEREAS, Responsible marine aquaculture that includes strict and enforceable standards to protect the environment and consumers has the ability to supply consumers with safe and high quality seafood, protect the ocean from harm, and ensure the health of native fish and wildlife; and

WHEREAS, Permitting marine aquaculture in federal waters without a comprehensive, overarching federal regulatory framework that includes science-based standards to protect the ocean could result in significant and irreversible adverse environmental consequences to coastal states; and

WHEREAS, The permitting of marine aquaculture in federal waters off California's coast is of special interest to the state because of the risks that marine aquaculture poses to the state's ocean ecosystems; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests that the Congress of the United States develop a comprehensive federal regulatory framework for marine aquaculture that undergoes complete environmental review and is at least as protective as that codified in California's Sustainable Oceans Act to address the many environmental and economic concerns; and be it further

Resolved, That the Legislature of the State of California respectfully opposes expansion of marine aquaculture off the Pacific Coast without such a regulatory framework in place, and respectfully opposes any federal policies and legislation that would weaken California's role in marine aquaculture permitting decisions, given the threat that marine aquaculture poses to the integrity of California's coastal and ocean health, dependent tourism, and fishing economies and communities; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Commerce, and to the Administrator of the National Oceanic and Atmospheric Administration.