

**CALIFORNIA FISHERIES & SEAFOOD INSTITUTE  
LEGISLATIVE REPORT  
NOVEMBER 2011**

<b>Bill</b>	<b>Author</b>	<b>Subject</b>
AB 69	Beall	Senior Nutrition Benefits
AB 88	Huffman	Genetically Engineered Food
AB 337	Monning	Sustainable Seafood
AB 376	Fong/Huffman	Shark Fins
AB 727	Mitchell	Public Contracts: Healthy & Sustainable Food
AB 853	Fong/Huffman	Sharks
AB 950	Perez/Swanson	Drayage Truck Operators
AB 1181	Butler	Weights and Measures
AB 1299	Huffman	Marine Fisheries: Forage Species
SB 20	Padilla	Food Facilities: Menu Labeling
SB 369	Evans	Dungeness Crab
SB 460	Price	International Trade Marketing & Promotion
SB 470	Evans	Salmon Stamp
SB 478	Pavley	Food Safety

**BILL NUMBER: AB 69      CHAPTERED**

INTRODUCED BY Assembly Member Beall  
(Coauthors: Assembly Members Ammiano, Butler, Fuentes, and Swanson)

DECEMBER 15, 2010

LEGISLATIVE COUNSEL'S DIGEST

AB 69, Beall. Senior nutrition benefits.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh (formerly the Food Stamp program), under which nutrition assistance benefits formerly referred to as food stamps, allocated to the state by the federal government, are distributed to eligible individuals by each county. Under existing law, the State Department of Social Services administers CalFresh at the state level, and has certain specified duties in that regard.

This bill, commencing July 1, 2012, would require the State Department of Social Services, to the extent permitted by federal law or other specified federal authority, to allow counties that satisfy certain criteria to simplify enrollment into CalFresh for potentially eligible low-income social security benefit recipients, utilizing existing information maintained by the Social Security Administration regarding these recipients. The bill would specify the department's duties in support of the enrollment efforts described in the bill.

**BILL NUMBER: AB 88      AMENDED**

INTRODUCED BY Assembly Member Huffman (Coauthors: Assembly Members Allen, Ammiano, Chesbro, and Monning )

JANUARY 6, 2011

LEGISLATIVE COUNSEL'S DIGEST

AB 88, as amended, Huffman. Food labeling: genetically engineered food.

The Sherman Food, Drug, and Cosmetic Law makes it unlawful to manufacture, sell, deliver, hold, or offer for sale, any food that is misbranded. Food is misbranded if its labeling does not conform to specified federal labeling requirements regarding nutrition, nutrient content or health claims, and food allergens. Violation of this law is a misdemeanor.

This bill would state the intent of the Legislature to enact legislation to require the labeling of all genetically engineered salmon entering and sold within the state.

*This bill would provide that food is misbranded if the food is a genetically engineered fish or fish product, as defined, and its labeling does not conspicuously identify the fish or fish product as genetically engineered. This bill would make related findings. By changing the definition of a crime, this 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: ~~no~~ yes . State-mandated local program: ~~no~~ yes .

**BILL NUMBER: AB 337 CHAPTERED**

INTRODUCED BY Assembly Member Monning

FEBRUARY 10, 2011

LEGISLATIVE COUNSEL'S DIGEST

AB 337, Monning. Ocean resources: Ocean Protection Council: sustainable seafood.

The California Ocean Protection Act establishes the Ocean Protection Council in state government. Existing law requires the council to develop and implement a specified voluntary sustainable seafood promotion program. The program would, among other things, consist of a protocol, which is required to be developed in a transparent process and adopted by the council in a public meeting, 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 Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies.

This bill would provide that the voluntary sustainable seafood program, each component of the program, and actions taken by the council to implement the program are not regulations for the purposes of the Administrative Procedure Act. The bill would expressly require that any substantive amendments or revisions to the protocol be developed in a transparent process and adopted by the council in a public meeting.

**BILL NUMBER: AB 376 CHAPTERED**

INTRODUCED BY Assembly Members Fong and Huffman (Coauthor: Assembly Member Ammiano)

FEBRUARY 14, 2011

LEGISLATIVE COUNSEL'S DIGEST

AB 376, Fong. Shark fins.

Existing law makes it unlawful to possess any bird, mammal, fish, reptile, or amphibian, or parts thereof, taken in violation of any of the provisions of the Fish and Game Code, or of any regulation made under it.

This bill, except as specified, would make it unlawful for any person to possess, sell, offer for sale, trade, or distribute a shark fin, as defined.

The bill, by creating a new crime, 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 727 AMENDED**

INTRODUCED BY Assembly Member Mitchell

FEBRUARY 17, 2011

LEGISLATIVE COUNSEL'S DIGEST

AB 727, as amended, Mitchell. Public contracts: healthy and sustainable food.

Existing law regulates various aspects of the provision of food and beverages in vending machines, including requiring a vendor that operates or maintains a vending machine on designated state property to offer food and beverages in the vending machine that meet accepted nutritional guidelines, as defined, in accordance with certain

percentages. Existing law governing contracting between state agencies and private contractors sets forth requirements for the procurement of supplies, materials, equipment, and services by state agencies and sets forth the various responsibilities of the Department of General Services and other state agencies in overseeing and implementing state contracting procedures and policies.

This bill would require, beginning January 1, 2014, at least 50% of food and beverages offered by a vendor in a vending machine on state property, as defined, to meet accepted nutritional guidelines ~~—, and by January 1, 2016, 100% of the food and beverages offered by such a vendor to meet those nutritional guidelines~~. The bill also would revise the definition of accepted nutritional guidelines for this purpose.

This bill would additionally require, beginning January 1, 2014, *or upon expiration of an existing contract, whichever occurs later*, any food sold in a state-owned or state-leased building to meet the standard criteria for food and nutrition guidelines for concessions as determined under the federal Health and Sustainability Guidelines for Federal Concessions and Vending Operations.

This bill would also require the Department of General Services, when approving contracts for the purchase of food sold in any state-owned or state-leased building, to give preference to, and not include disincentives for, food which meets certain criteria, as specified, and would require the Department of General Services to provide state agencies with the federal Health and Sustainability Guidelines for Federal Concessions and Vending Operations. The bill would make related legislative findings regarding its purpose.

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

**BILL NUMBER: AB 853 CHAPTERED**

INTRODUCED BY Assembly Members Fong and Huffman

FEBRUARY 17, 2011

LEGISLATIVE COUNSEL'S DIGEST

AB 853, Fong. Sharks.

Existing law makes it unlawful to possess any bird, mammal, fish, reptile, or amphibian, or parts thereof, taken in violation of any of the provisions of the Fish and Game Code, or of any regulation made under it.

This bill would create exemptions from a shark fin prohibition proposed by AB 376. The bill would require the Ocean Protection Council to submit an annual report to the Legislature that lists any shark species that have been independently certified to meet internationally accepted standards for sustainable seafood, as provided. The provisions of the bill would become operative only if AB 376 is enacted and takes effect on or before January 1, 2012.

**BILL NUMBER: AB 950 INTRODUCED**

INTRODUCED BY Assembly Members John A. Pérez and Swanson

FEBRUARY 18, 2011

LEGISLATIVE COUNSEL'S DIGEST

AB 950, as introduced, John A. Pérez. Employment: drayage truck operators.

Existing law provides guidelines to determine whether a person who performs work for another pursuant to a contract is an employee or an independent contractor.

This bill would deem drayage truck operators as employees of those persons who arrange for or engage their services, with the exception of public agency employers.

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

**BILL NUMBER: AB 1181 AMENDED**

INTRODUCED BY Assembly Member Butler

FEBRUARY 18, 2011

LEGISLATIVE COUNSEL'S DIGEST

AB 1181, as amended, Butler. Weights and measures.

Existing law makes it a crime for a person, firm, corporation, or association to advertise, solicit, or represent by any means a product for sale or purchase if it is intended to entice a consumer into a transaction different from that originally represented. When the sale of any commodity is based upon a quantity representation either furnished by the purchaser or obtained through the use of equipment supplied by the purchaser, the purchaser is prohibited from buying the commodity according to any quantity which is less than the true quantity. A violation of these provisions is a misdemeanor.

This bill would revise the latter provision by prohibiting the purchaser from buying the commodity according to any quantity which is less than the true quantity or computing the purchase price of the commodity according to a unit price that is less than the highest applicable price *per unit, that is advertised, posted, marked, displayed, or quoted* for the commodity. Because the bill would change the definition of a crime, the bill would impose a state-mandated local program.

Existing law also prohibits a person from engaging in business as a service agency for the repair of weights and measures, unless that person registers with the Secretary of Food and Agriculture, as specified.

This bill would make technical and conforming changes to related provisions.

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 1299 AMENDED**

INTRODUCED BY Assembly Member Huffman (Coauthors: Assembly Members Fong and Ma)

FEBRUARY 18, 2011

LEGISLATIVE COUNSEL'S DIGEST

AB 1299, as amended, Huffman. Marine fisheries: forage species.

Existing law, enacted as part of the Marine Life Management Act of 1998, generally establishes a comprehensive plan for the management of marine life resources. Existing law requires the Department of Fish and Game to develop, and submit to the Fish and Game Commission for its approval, a fishery management master plan, and provides for the preparation and approval of fishery management plans, which form the primary basis for managing California's sport and commercial marine fisheries.

This bill would ~~enact the Forage Species Conservation and Management Act of 2011. The act would state the policy of the state with regard to forage species, as defined. The act~~ state that it is the policy objective of the state to ensure the-conservation, sustai nable use, and, where-applicable, restoration of California's forage species populations,-including their habitats and associated water quality, for the-benefit of all citizens of the state, and achieve ecosystem-based-management of marine forage species that recognizes, prioritizes,-accounts for, and incorporates the ecological services rendered by-forage species, including the dependence of predator species on those-forage species. The bill would define "forage species" and-"ecosystem-based management" for those purposes. The bill would-require new fishery management plans and amendments to existing-fishery management plans for forage species completed after January-1, 2012, to be consistent with that policy, to the extent that scientific data is readily available for that purpose.

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

**BILL NUMBER: SB 20      CHAPTERED**

INTRODUCED BY Senator Padilla

DECEMBER 6, 2010

LEGISLATIVE COUNSEL'S DIGEST

SB 20, Padilla. Food facilities: menu labeling.

Existing law, the California Retail Food Code, requires, on and after January 1, 2011, each food facility in the state that operates under common ownership or control with at least 19 other food facilities with the same name in the state and that offers for sale substantially the same menu items or that meets other specified criteria to disclose calorie content information per standard menu item, as specified. The State Department of Public Health administers and local enforcement agencies enforce this code. Existing law provides that, on and after July 1, 2009, a food facility that violates these provisions is guilty of an infraction.

Existing law, the Federal Food, Drug, and Cosmetic Act, requires certain restaurants and similar retail food establishments that are part of a chain with 20 or more locations doing business under the same name and offering for sale substantially the same menu items to disclose nutrient content information, as specified, and provides that certain state and local nutrient content information requirements that are not identical to the federal law are preempted.

This bill would repeal the above-described state calorie content disclosure requirements of the California Retail Food Code, and would require a food facility that is subject to the federal disclosure provisions for nutrient content information or was subject to the state calorie content disclosure requirements, as specified, to comply with these federal disclosure requirements and the regulations adopted pursuant thereto. It would also require the department or local enforcement agencies to enforce these provisions, as specified, and would make a violation thereof an infraction or subject to a civil penalty. By expanding the definition of a crime and adding new local enforcement duties, this 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 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.

**BILL NUMBER: SB 369      CHAPTERED**

INTRODUCED BY Senator Evans

FEBRUARY 15, 2011

LEGISLATIVE COUNSEL'S DIGEST

SB 369, Evans. Dungeness crab.

(1) Existing law regulates the Dungeness crab fishery and, among other things, permits the Director of Fish and Game to delay the opening of the fishery in specified situations and regulates the taking of crab during those delays. 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 sets forth requirements for the issuance, transfer, and revocation of a vessel permit, and prescribes fees for each permit or permit transfer. Under existing law, the holder of a Dungeness crab vessel permit, upon approval by the Department of Fish and Game, is authorized to temporarily transfer the permit to a replacement vessel for a period of up to 6 months during the current permit year, if the permitted vessel is seriously damaged, suffers major mechanical breakdown, or is lost or destroyed. Existing law requires the director to convene a Dungeness crab

review panel for the purpose of reviewing applications for vessel permits and permit transfers, if the department makes a specified determination. Existing law provides that those provisions shall become inoperative on April 1, 2012, and, as of January 1, 2013, are repealed.

This bill would extend the operation of those provisions until April 1, 2019, and would repeal those provisions on January 1, 2020.

The bill would subject a person who fishes without a Dungeness crab vessel permit, or who uses a Dungeness crab vessel permit to fish illegally on a vessel other than the permitted one, to specified penalties. The bill would authorize a person to whom a Dungeness crab vessel permit is issued to retain the permit, and to transfer the permit to another vessel owned by that person, during a period of 2 years, in the event that the vessel for which the permit was originally issued is lost, destroyed, or seriously damaged, subject to approval by the department. The bill would require a permit retained under these circumstances to be revoked if it is not transferred to a replacement vessel within the 2-year period.

The bill would require the director to adopt a program, by March 31, 2013, for Dungeness crab trap limits for all California permits. The director would be required to make specified allocations of crab trap tags. The program would require participants to pay a \$5 crab trap tag fee and a \$1,000 crab trap limit fee, as provided. The bill would create the Dungeness Crab Account in the Fish and Game Preservation Fund, and would require the fees collected to be deposited in that account. The money in the account would be available, upon appropriation by the Legislature, for administering and enforcing the program. The bill would require the imposition of specified penalties for a violation of the program requirements. The bill would create a Dungeness crab task force to make recommendations relating to the program, and meet other requirements, as provided.

These provisions would become inoperative on April 1, 2019, and would be repealed on January 1, 2020.

(2) Existing law authorizes the director 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 crabmeat, which may be used for charitable purposes.

This bill would remove that exception for edible crabmeat used for charitable purposes.

(3) Under existing law, except as expressly provided otherwise, any violation of the Fish and Game Code, or of any rule, regulation, or order made or adopted under the code, is a misdemeanor. Because this bill would extend the operation of the Dungeness crab vessel permit program and thereby the crimes imposed for a violation of those provisions, and impose additional requirements the violation of which may be crimes, the bill would create a state-mandated local program by creating new crimes.

(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 no reimbursement is required by this act for a specified reason.

## **BILL NUMBER: SB 460      AMENDED**

INTRODUCED BY Senator Price (*Coauthor: Senator Lieu*)

FEBRUARY 16, 2011

### LEGISLATIVE COUNSEL'S DIGEST

SB 460, as amended, Price. International trade marketing and promotion.

Existing law authorizes the Business, Transportation and Housing Agency to, among other duties, engage in trade and foreign investment activities.

This bill would additionally authorize the agency to coordinate international trade marketing and promotion activities.

Existing law authorizes the secretary to convene a statewide business partnership for international trade and investment, to advise the secretary on business needs and priorities in that regard.

This bill would also authorize the secretary to convene a statewide business partnership for international trade marketing and promotion no later than March 1, 2012, to advise the secretary on what role the state should play in international trade marketing and promotion.

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

**BILL NUMBER: SB 470      CHAPTERED**

INTRODUCED BY Senator Evans

FEBRUARY 17, 2011

LEGISLATIVE COUNSEL'S DIGEST

SB 470, Evans. Commercial fishing: salmon stamp.

(1) Existing law 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.

Under existing law, fee revenues are deposited in the Commercial Salmon Stamp Account in the Fish and Game Preservation Fund, and the money in the account is continuously appropriated to the department for new or expanded salmon restoration and enhancement programs in the state that will serve to increase ocean salmon landings. Existing law prohibits administrative overhead costs charged to the account from exceeding 3.3% of the annual expenditures from the account. These provisions of existing law are repealed as of January 1, 2012.

This bill would delete the continuous appropriation, and, instead, make the money in the account available to the department upon appropriation by the Legislature. The bill would require the department to post on its Internet Web site certain information regarding projects funded by the account. The bill would prohibit the expenditure of more than 15% of the funds expended for those programs for administration. The bill would extend the operation of these provisions until January 1, 2014.

(2) Existing law generally makes a violation of fish and game laws a crime.

Because this bill would extend operation of the commercial salmon fishing program and thereby the crimes imposed for a violation of those provisions, the bill would create a state-mandated local program by creating new crimes.

(3) 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.

(4) This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature.

**BILL NUMBER: SB 478      INTRODUCED**

INTRODUCED BY Senator Pavley

FEBRUARY 17, 2011

LEGISLATIVE COUNSEL'S DIGEST

SB 478, as introduced, Pavley. Food safety.

Existing law governs the production, inspection, and distribution of food in this state in order to ensure, among other purposes, the safety and quality of food. The Department of Food and Agriculture is required to promote and protect the agricultural industry of the state, and is required to seek, enhance, protect, and perpetuate the ability of the private sector to produce food and fiber in a way that benefits the general welfare and economy of the state.

This bill would express the intent of the Legislature to enact legislation that would establish the California Food Policy Council to develop a strategic planning process to provide information for the implementation of California's food policy and to ensure effective interagency coordination of state policies, programs, and activities regarding California's food system.

The bill would also set forth legislative findings and declarations regarding the food supply system.

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