

AMENDED IN SENATE MARCH 18, 2019

SENATE BILL

No. 262

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Introduced by Senator McGuire

February 12, 2019

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An act to amend Sections 8051 and 8405.4 of the Fish and Game Code, relating to commercial fishing.

LEGISLATIVE COUNSEL'S DIGEST

SB 262, as amended, McGuire. Commercial fishing: landing fees: ~~sea-cumbers. cucumbers.~~

(1) Existing law regulating commercial fishing imposes, or authorizes the imposition of, various license, permit, and registration fees. Existing law requires specified persons to pay landing fees relating to the sale of fish quarterly to the Department of Fish and Wildlife, based on a rate schedule applicable to listed aquatic species. Existing law authorizes the department to assess a fee on persons growing aquaculture products on public lands and in public waters based on the price per pound of the products sold, not to exceed the rates provided in the rate schedule applicable to wild-caught ~~fish.~~ *aquatic species*.

Under existing law, the changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the United States Department of Commerce, is used as the index to determine an annual rate of increase or decrease in the fees for licenses, stamps, permits, tags, or other entitlements issued by the Department of Fish and Wildlife.

This bill would make that landing fee rate schedule applicable to the ~~2019~~ *2020 calendar* year, and require that the schedule be adjusted annually thereafter pursuant to that specified federal index.

(2) Existing law governs the sea cucumber fishery in this state. Under existing law, sea cucumbers cannot be taken, possessed aboard a boat, or landed by a person for commercial purposes except under a valid sea cucumber permit issued by the Department of Fish and Wildlife. The Fish and Game Commission is authorized to adopt regulations that it determines may reasonably be necessary to protect the sea cucumber resource and ensure a sustainable sea cucumber fishery or to enhance enforcement activities. A violation of these provisions or regulations adopted pursuant to those provisions is a crime. Existing law makes these provisions inoperative on April 1, 2020.

This bill would extend the operation of those provisions until April 1, 2030. Because this bill would extend the operation of the sea cucumber permit program and thereby the crimes imposed for a violation of those provisions, the bill would create a state-mandated local program.

(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.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8051 of the Fish and Game Code is  
2 amended to read:

3 8051. (a) The landing fee imposed pursuant to Section 8041  
4 shall be determined pursuant to Section 8042 by using the fee rates  
5 in the following schedule, as adjusted pursuant to subdivision (b):

|    |                                                       |           |
|----|-------------------------------------------------------|-----------|
| 6  |                                                       |           |
| 7  |                                                       | Rate per  |
| 8  |                                                       | pound     |
| 9  | Lobster                                               | \$ 0.1333 |
| 10 | Spot prawn and abalone                                | \$ 0.1000 |
| 11 | Salmon and swordfish, based only on the weight in the |           |
| 12 | round                                                 | \$ 0.0333 |
| 13 | Halibut, sea cucumber, white seabass, sheephead, and  |           |
| 14 | Dungeness crab                                        | \$ 0.0333 |
| 15 | Shortspine thornyhead, sablefish, lingcod, and prawns |           |
| 16 | and shrimp (except spot prawn and pink shrimp)        | \$ 0.0133 |

|   |                                                           |           |
|---|-----------------------------------------------------------|-----------|
| 1 | Angel, thresher, and bonito sharks, based only on the     |           |
| 2 | weight in the round                                       | \$ 0.0097 |
| 3 | All fish and invertebrates unless otherwise specified     | \$ 0.0067 |
| 4 | Sea urchin, pink shrimp, smelts, soles, turbot, longspine |           |
| 5 | thornyhead, night smelt, and sanddabs                     | \$ 0.0047 |
| 6 | Bonito, flounder, grenadiers, herring, and skates         | \$ 0.0027 |
| 7 | Market squid                                              | \$ 0.0023 |
| 8 | Anchovy, mackerel, sardines, and Pacific whiting          | \$ 0.0010 |

9  
10 (b) (1) The fee rates specified in subdivision (a) are applicable  
11 to the ~~2019~~ 2020 *calendar* year, and shall be adjusted annually  
12 thereafter pursuant to this subdivision.

13 (2) The changes in the Implicit Price Deflator for State and  
14 Local Government Purchases of Goods and Services, as published  
15 by the United States Department of Commerce, shall be used as  
16 the index to determine an annual rate of increase or decrease in  
17 the fee rates specified in subdivision (a).

18 (3) The department shall determine the change in the Implicit  
19 Price Deflator for State and Local Government Purchases of Goods  
20 and Services, as published by the United States Department of  
21 Commerce, for the quarter ending March 31 of the current year  
22 compared to the quarter ending March 31 of the previous year.  
23 The relative amount of the change shall be multiplied by the current  
24 fee rates.

25 (4) The product of the calculation made pursuant to paragraph  
26 (3) shall be added to the applicable fee rate for the current year.  
27 The resulting amounts shall be *the* fee rates for the calendar year  
28 beginning on or after January 1 of the next succeeding calendar  
29 year.

30 (c) The calculations provided for in this section shall be reported  
31 by the department to the Legislature with the Governor's Budget  
32 Bill.

33 (d) The Legislature finds that all revenue generated by fee rates  
34 computed under this section, and used for the purposes for which  
35 they were imposed, are not subject to Article XIII B of the  
36 California Constitution.

37 SEC. 2. Section 8405.4 of the Fish and Game Code is amended  
38 to read:

39 8405.4. This article shall become inoperative on April 1, 2030,  
40 and as of January 1, 2031, is repealed.

1 SEC. 3. No reimbursement is required by this act pursuant to  
2 Section 6 of Article XIII B of the California Constitution because  
3 the only costs that may be incurred by a local agency or school  
4 district will be incurred because this act creates a new crime or  
5 infraction, eliminates a crime or infraction, or changes the penalty  
6 for a crime or infraction, within the meaning of Section 17556 of  
7 the Government Code, or changes the definition of a crime within  
8 the meaning of Section 6 of Article XIII B of the California  
9 Constitution.

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