

Introduced by Senator McGuire

February 14, 2023

An act to amend Section 79120 of the Food and Agricultural Code, and to amend Sections 9055, 15101, 15103, and 15104 of, and to add Sections 9054.5 and 9056 to, the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

SB 500, as introduced, McGuire. Fish and wildlife.

(1) Existing law establishes the California Sea Urchin Commission in state government and vests the commission with various power and duties, including establishing an assessment for each pound of sea urchin landed or delivered by divers to handlers in the state. Existing law provides that the maximum assessment that can be levied by majority vote of the commission shall not exceed \$0.03 for each pound of sea urchin landed.

This bill would increase the maximum assessment that can be levied by majority vote of the commission to \$0.06 for each pound of sea urchin landed.

(2) Existing law provides that sea urchins shall not be taken for commercial purposes except under a valid sea urchin diving permit, subject to regulations adopted by the Fish and Game Commission. Existing law establishes a \$330 fee for the permit. Unless another penalty is expressly provided, existing law makes a violation of the Fish and Game Code, or of any rule, regulation, or order made or adopted under the code, a misdemeanor.

This bill would require the Department of Fish and Wildlife to adopt regulations related to commercial sea urchin diving permits, and to the vessels used to commercially fish for sea urchin, to better manage the

number of permits issued. Because a violation of these regulations would be a crime, this bill would impose a state-mandated local program. The bill would increase the fee for a sea urchin diving permit by \$200, and would require the department to distribute that amount, less the department's distribution expenses, to the California Sea Urchin Commission for expenditure pursuant to that commission's authority.

(3) Existing law establishes various requirements with respect to the taking of fish commercially using traps, fishing lines, and other appliances.

This bill would require the Department of Fish and Wildlife to adopt regulations regarding the marking and color coding of lines used in state managed fisheries. By expanding the scope of a crime, this bill would create a state-mandated local program.

(4) Existing law requires the owner of an aquaculture facility to register certain information with the Department of Fish and Wildlife by March 1 of each year, and requires the department to impose prescribed fees for registration and renewal. Existing law also requires, in addition to the registration and renewal fees, a surcharge fee to be paid at the time of registration by the owner of an aquaculture facility if the gross annual sales of aquaculture products of the facility during the prior calendar year exceed \$25,000. Existing law imposes a penalty for delinquent payment of fees. Existing law, until January 1, 2023, increases those registration, renewal, surcharge, and penalty fees, as prescribed.

This bill would extend the operation of the increased registration, renewal, surcharge, and penalty fees until January 1, 2027.

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 79120 of the Food and Agricultural Code
- 2 is amended to read:
- 3 79120. (a) The commission shall establish an assessment for
- 4 the season not later than February 1 of each year or continue the

1 previous assessment. The assessment in the first year of the
2 commission's operation shall be one cent (\$0.01) for each pound
3 of sea urchin landed or delivered by divers to handlers in the state.
4 The maximum assessment that can be levied by majority vote of
5 the commission shall not exceed ~~three cents (\$0.03)~~ *six cents*
6 *(\$0.06)* for each pound of sea urchin landed.

7 (b) An assessment greater than the amount provided for in this
8 section may not be levied unless and until a greater fee is approved
9 by a majority of the commission and by eligible divers and handlers
10 pursuant to procedures specified in this act.

11 (c) The diver and the handler shall each pay one-half of the
12 assessment established pursuant to this section. If the divers do
13 not vote, pursuant to this act, to approve the commission, a diver
14 is not required to pay any portion of the assessment. If handlers
15 do not vote, pursuant to this act, to approve the commission, a
16 handler is not required to pay any portion of the assessment. If
17 either divers or handlers, but not both, vote in favor of the
18 commission, the assessment may not exceed one-half of the
19 amounts authorized by this section.

20 (d) Any assessment that is levied as provided for in this section
21 is a personal debt of every person assessed.

22 SEC. 2. Section 9054.5 is added to the Fish and Game Code,
23 to read:

24 9054.5. The department shall adopt regulations related to
25 commercial sea urchin diving permits, and the vessels used to
26 commercially fish for sea urchin, in order to better manage the
27 number of permits issued.

28 SEC. 3. Section 9055 of the Fish and Game Code is amended
29 to read:

30 9055. The fee for a sea urchin permit authorized pursuant to
31 Section 9054 is ~~three hundred thirty dollars (\$330)~~ *five hundred*
32 *thirty dollars (\$530)*. *Two hundred dollars (\$200) of this fee shall*
33 *be distributed to the California Sea Urchin Commission by the*
34 *department, less the department's distribution expenses, to be used*
35 *for the purposes of Section 79056 of the Food and Agricultural*
36 *Code.*

37 SEC. 4. Section 9056 is added to the Fish and Game Code, to
38 read:

39 9056. The department shall adopt regulations regarding the
40 marking and color coding of lines used in state managed fisheries.

SEC. 5. Section 15101 of the Fish and Game Code, as amended by Section 2 of Chapter 307 of the Statutes of 2022, is amended to read:

15101. (a) The owner of each aquaculture facility shall register all of the following information with the department by March 1 of each year:

(1) The owner's name.

(2) The species grown.

(3) The location or locations of each operation or operations.

(b) The department may provide registration forms for this purpose, may establish a procedure for the review of the information provided to ensure that the operation will not be detrimental to native wildlife, and shall impose a registration fee of eight hundred dollars (\$800) to recover the cost of reviewing new registrations. For renewing registrations, the department shall impose a registration fee of five hundred dollars (\$500). It is unlawful to conduct aquaculture operations or to culture approved species of aquatic plants and animals unless registered under this section. The registration fees specified in this section are applicable to the 2013 registration year and shall be adjusted annually thereafter pursuant to Section 713.

(c) The annual registration of information required by subdivision (a) is not a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(d) This section shall remain in effect only until January 1, ~~2024~~, 2027, and as of that date is repealed.

SEC. 6. Section 15101 of the Fish and Game Code, as amended by Section 3 of Chapter 307 of the Statutes of 2022, is amended to read:

15101. (a) The owner of each aquaculture facility shall register all of the following information with the department by March 1 of each year:

(1) The owner's name.

(2) The species grown.

(3) The location or locations of each operation or operations.

(b) The department may provide registration forms for this purpose, may establish a procedure for the review of the information provided to ensure that the operation will not be detrimental to native wildlife, and shall impose a registration fee

of five hundred forty-nine dollars (\$549) to recover the cost of reviewing new registrations. For renewing registrations, the department shall impose a registration fee of two hundred seventy-five dollars (\$275). It is unlawful to conduct aquaculture operations or to culture approved species of aquatic plants and animals unless registered under this section. The registration fees specified in this section are applicable to the 2004 registration year and shall be adjusted annually thereafter pursuant to Section 713.

(c) The annual registration of information required by subdivision (a) is not a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(d) This section shall become operative on January 1, ~~2024~~, 2027, at which time the registration fees specified in this section shall be adjusted pursuant to subdivision (b) as if this section had not been inoperative.

SEC. 7. Section 15103 of the Fish and Game Code, as amended by Section 4 of Chapter 307 of the Statutes of 2022, is amended to read:

15103. (a) In addition to the fees specified in Section 15101, a surcharge fee of six hundred dollars (\$600) shall be paid at the time of registration by the owner of an aquaculture facility if the gross annual sales of aquaculture products of the facility during the prior calendar year exceed twenty-five thousand dollars (\$25,000).

(b) Each owner of a registered aquaculture facility shall maintain sales and production records that shall be made available upon request of the department to assist the department in the administration of this chapter.

(c) Any person who fails to pay the surcharge fee required in this section at the time of registration shall be assessed a delinquency penalty pursuant to Section 15104.

(d) The surcharge imposed pursuant to this section shall be applicable to the 2013 registration year and shall be adjusted annually thereafter pursuant to Section 713.

(e) This section shall remain in effect only until January 1, ~~2024~~, 2027, and as of that date is repealed.

SEC. 8. Section 15103 of the Fish and Game Code, as amended by Section 5 of Chapter 307 of the Statutes of 2022, is amended to read:

1 15103. (a) In addition to the fees specified in Section 15101,
2 a surcharge fee of four hundred twelve dollars (\$412) shall be paid
3 at the time of registration by the owner of an aquaculture facility
4 if the gross annual sales of aquaculture products of the facility
5 during the prior calendar year exceed twenty-five thousand dollars
6 (\$25,000).

7 (b) Each owner of a registered aquaculture facility shall maintain
8 sales and production records that shall be made available upon
9 request of the department to assist the department in the
10 administration of this chapter.

11 (c) Any person who fails to pay the surcharge fee required in
12 this section at the time of registration shall be assessed a
13 delinquency penalty pursuant to Section 15104.

14 (d) The surcharge imposed pursuant to this section shall be
15 applicable to the 2004 registration year and shall be adjusted
16 annually thereafter pursuant to Section 713.

17 (e) This section shall become operative on January 1, ~~2024,~~
18 2027, at which time the surcharge fee specified in this section shall
19 be adjusted pursuant to subdivision (d) as if this section had not
20 been inoperative.

21 SEC. 9. Section 15104 of the Fish and Game Code, as amended
22 by Section 6 of Chapter 307 of the Statutes of 2022, is amended
23 to read:

24 15104. (a) If any person engages in the business of aquaculture,
25 as regulated under this division, without having paid the registration
26 fee or surcharge fee within one calendar month of the
27 commencement of business, or, for renewal of registration, on or
28 before April 1 of the registration year, the fees are delinquent.

29 (b) A penalty shall be paid at the time of registration for any
30 fees that are delinquent in the amount of one hundred fifty dollars
31 (\$150).

32 (c) The penalty imposed pursuant to subdivision (b) shall be
33 applicable to the 2013 registration year, and shall be adjusted
34 thereafter pursuant to Section 713.

35 (d) This section shall remain in effect only until January 1, ~~2024,~~
36 2027, and as of that date is repealed.

37 SEC. 10. Section 15104 of the Fish and Game Code, as
38 amended by Section 7 of Chapter 307 of the Statutes of 2022, is
39 amended to read:

1 15104. (a) If any person engages in the business of aquaculture,
2 as regulated under this division, without having paid the registration
3 fee or surcharge fee within one calendar month of the
4 commencement of business, or, for renewal of registration, on or
5 before April 1 of the registration year, the fees are delinquent.

6 (b) A penalty shall be paid at the time of registration for any
7 fees that are delinquent in the amount of fifty dollars (\$50).

8 (c) The penalty imposed pursuant to subdivision (b) shall be
9 applicable to the 2005 registration year, and shall be adjusted
10 thereafter pursuant to Section 713.

11 (d) This section shall become operative on January 1, ~~2024,~~
12 2027, at which time the penalty specified in this section shall be
13 adjusted pursuant to subdivision (c) as if this section had not been
14 inoperative.

15 SEC. 11. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.