

AMENDED IN ASSEMBLY AUGUST 19, 2010

AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 778

Introduced by Senator ~~Wiggins~~ Pavley

February 27, 2009

~~An act to amend Section 7860 of the Fish and Game Code, relating to commercial fishing.~~ *An act to add Sections 40453 and 40542 to the Health and Safety Code, relating to air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

SB 778, as amended, ~~Wiggins~~ Pavley. ~~Commercial fishing: salmon stamp.~~ *South Coast Air Quality Management District: adverse effects of air pollution: intellectual property.*

Existing law creates the South Coast Air Quality Management District with jurisdiction over air quality within the South Coast Air Basin, including in the Counties of Los Angeles, Orange, Riverside, and San Bernardino.

This bill would authorize the south coast district to sponsor, coordinate, and promote projects that will lead to the prevention, mitigation, or cure of the adverse effects of air pollution, including the adverse health effects of air pollution. The bill would authorize the south coast district to determine what share, if any, of the intellectual property, or benefits resulting from intellectual property, developed from the use of district funds, including funds discharged as grants, will accrue to the south coast district.

~~Existing law, until January 1, 2012, prohibits specified persons from taking salmon for commercial purposes unless the person has a commercial fishing salmon stamp affixed to his or her commercial fishing license. Existing law requires the Department of Fish and Game~~

~~to issue a commercial fishing salmon stamp, upon application for the stamp and payment of a base fee of \$85. That base fee is required to be adjusted during specified commercial salmon seasons. However, existing law prohibits the total fees, as adjusted, from exceeding \$260.~~

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

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

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

1 ~~SECTION 1. Section 40453 is added to the Health and Safety
2 Code, to read:~~

3 ~~40453. The south coast district may sponsor, coordinate, and
4 promote projects that will lead to the prevention, mitigation, or
5 cure of the adverse effects of air pollution, including the adverse
6 health effects of air pollution.~~

7 ~~SEC. 2. Section 40542 is added to the Health and Safety Code,
8 to read:~~

9 ~~40542. The south coast district may determine what share, if
10 any, of the intellectual property, or benefits resulting from
11 intellectual property, developed from the use of district funds,
12 including funds discharged as grants, will accrue to the south
13 coast district. The south coast district may negotiate revenue
14 sharing agreements with recipients of south coast district funds,
15 including the collection of royalties.~~

16 ~~SECTION 1. The Legislature finds and declares all of the
17 following:~~

18 ~~(a) California's salmon fishery is in a state of severe decline.
19 Healthy populations of salmonid stock have decreased dramatically
20 in recent years and are teetering on the edge of extinction,
21 indicating the need for urgent, immediate action.~~

22 ~~(b) Department of Fish and Game biologists estimate that, in
23 2008, only 66,000 adult salmon returned to spawn in the
24 Sacramento and San Joaquin rivers, the lowest return on historical
25 record.~~

26 ~~(c) A similar alarming population decline in 2007 led the
27 National Marine Fisheries Service to ban ocean salmon fishing in~~

1 California and most of Oregon in 2008, and a ban is expected again
2 in 2009.

3 (d) In 2008, more than 2,200 fishermen, fisherwomen, and
4 fishing-related business workers lost their jobs. Fishing
5 communities and fishing-related businesses lost more than two
6 hundred fifty million dollars (\$250,000,000).

7 (e) The salmon stamp program has a long history of voluntary
8 participation and cooperation among a wide range of commercial
9 fishing interests because they recognize their livelihood depends
10 on the abundance of salmon.

11 (f) With an impending drought year, and a second year of a ban
12 on ocean fishing because of severe salmonid population decline,
13 the industry is prepared to bolster and improve state fishery
14 restoration efforts through its self-taxation mechanism.

15 (g) It is the intent of the Legislature to request the Department
16 of Fish and Game to provide an accounting for funds generated
17 from commercial salmon fishing permits, known as salmon stamps
18 and to increase the price of commercial salmon fishing stamps to
19 strengthen oversight of the program and to ensure that the funding
20 goes directly to priority projects in a timely manner.

21 SEC. 2. Section 7860 of the Fish and Game Code is amended
22 to read:

23 7860. (a) Except as provided in subdivision (f) or (g), a person
24 who is 18 years of age or more and less than 70 years of age, on
25 or before April 1 of the current license year, shall not take salmon
26 for commercial purposes or be on board a vessel on which salmon
27 are taken for commercial purposes while salmon are being taken
28 or transported, unless that person has a commercial fishing salmon
29 stamp issued pursuant to this section affixed to his or her
30 commercial fishing license.

31 (b) Except as provided in subdivision (f) or (g), the operator of
32 a vessel on which salmon are taken for commercial purposes shall
33 not permit a person on board that vessel while salmon are being
34 taken or transported, unless that person was less than 18 years of
35 age or 70 years of age or more on April 1 of the current license
36 year or that person has a commercial fishing salmon stamp affixed
37 to the person's commercial fishing license.

38 (c) The department shall issue a commercial fishing salmon
39 stamp upon application therefor and payment of the fee of three
40 hundred fifty dollars (\$350).

1 ~~(d) A commercial fishing salmon stamp is valid during the~~
2 ~~commercial salmon season of the year in which it is issued.~~
3 ~~(e) Notwithstanding Section 1053, upon application and payment~~
4 ~~of an additional fee equal to that prescribed in subdivision (c), the~~
5 ~~department may issue an additional commercial fishing salmon~~
6 ~~stamp for a crewmember to the owner or operator of a vessel who~~
7 ~~holds a commercial fishing salmon stamp.~~
8 ~~(f) Notwithstanding subdivision (a), one crewmember of a vessel~~
9 ~~for which a commercial fishing salmon stamp is issued pursuant~~
10 ~~to subdivision (c) may be aboard that vessel and take salmon for~~
11 ~~commercial purposes as a crewmember on that vessel without~~
12 ~~obtaining a commercial fishing salmon stamp under the following~~
13 ~~conditions:~~
14 ~~(1) The crewmember is designated by name and commercial~~
15 ~~fishing license number on a form furnished by the department~~
16 ~~before salmon are taken on the vessel when that crewmember is~~
17 ~~aboard.~~
18 ~~(2) The crewmember has a valid commercial fishing license~~
19 ~~issued under Section 7850.~~
20 ~~(3) The commercial fishing salmon stamp for the crewmember~~
21 ~~is affixed to the form prescribed in paragraph (1) on which the~~
22 ~~vessel registration number of the vessel is entered and on which~~
23 ~~the crewmember who is exempted by this subdivision is designated~~
24 ~~by the last entered name and commercial fishing license number.~~
25 ~~(g) Persons who are exempt from the license requirements, or~~
26 ~~who are not required to be licensed, pursuant to Section 7850, are~~
27 ~~exempt from the requirements of this section.~~