

AMENDED IN ASSEMBLY APRIL 11, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1886

Introduced by Assembly Member Chesbro

February 22, 2012

An act to amend Sections 15100, ~~15101~~, ~~15103~~, ~~15104~~, and 15105 of, and to *amend*, add, and repeal ~~Section 15106~~ *Sections 15101, 15103, and 15104* of, the Fish and Game Code, relating to aquaculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 1886, as amended, Chesbro. Aquaculture.

Existing law establishes within the Department of Fish and Game an aquaculture coordinator to perform prescribed duties relating to the aquaculture industry. Existing law requires the owner of an aquaculture facility to register certain information with the department 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 fee for delinquent *payment of fees*. Existing law requires the department *to expend moneys collected solely on the aquaculture program and to maintain the internal accountability necessary to ensure that all restrictions on the expenditure of these fee revenues are met*.

This bill would include in the duties of the coordinator the requirement to coordinate with the Aquaculture Development Committee. The bill would, *until January 1, 2018*, increase those registration, renewal, surcharge, and penalty fees, *as prescribed*. The bill would require the

department to provide an accounting of the aquaculture coordinator program account balance and expenditures upon request of the Aquaculture Development Committee or the Joint Committee on Fisheries and Aquaculture. The bill would restrict the use of *these* fee revenues to paying the costs of the administration and enforcement of the *department's aquaculture* program. The bill would require the department to prepare and submit to the Legislature on or before February 1, 2017, a report regarding the aquaculture ~~coordinator~~ program. ~~The bill would repeal the aquaculture coordinator program on January 1, 2018.~~

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

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

- 1 SECTION 1. Section 15100 of the Fish and Game Code is
 2 amended to read:
 3 15100. There is within the department an aquaculture
 4 coordinator who shall perform all of the following duties as part
 5 of the *department's aquaculture-coordinator* program:
 6 (a) Promote understanding of aquaculture among public agencies
 7 and the general public.
 8 (b) Propose methods of reducing the negative impact of public
 9 regulation at all levels of government on the aquaculture industry.
 10 (c) Provide information on all aspects of regulatory compliance
 11 to the various sectors of the aquaculture industry.
 12 (d) Provide such advice to aquaculturists on project siting and
 13 facility design that may be needed to comply with regulatory
 14 requirements.
 15 (e) Coordinate with the Aquaculture Development Committee
 16 regarding the duties described in subdivisions (a) to (d), inclusive.
 17 SEC. 2. Section 15101 of the Fish and Game Code is amended
 18 to read:
 19 15101. (a) The owner of each aquaculture facility shall register
 20 all of the following information with the department by March 1
 21 of each year:
 22 (1) The owner's name.
 23 (2) The species grown.
 24 (3) The location or locations of each operation or operations.

1 (b) The department may provide registration forms for this
2 purpose, may establish a procedure for the review of the
3 information provided to ensure that the operation will not be
4 detrimental to native wildlife, and shall impose a registration fee
5 of ~~eight hundred dollars (\$800)~~ *five hundred forty-nine dollars*
6 *(\$549)* to recover the cost of reviewing new registrations. For
7 renewing registrations, the department shall impose a registration
8 fee of ~~five hundred dollars (\$500)~~ *two hundred seventy-five dollars*
9 *(\$275)*. It is unlawful to conduct aquaculture operations or to
10 culture approved species of aquatic plants and animals unless
11 registered under this section. The registration fees specified in this
12 section are applicable to the ~~2013~~ *2004* registration year and shall
13 be adjusted annually thereafter pursuant to Section 713.

14 (c) The annual registration of information required by
15 subdivision (b) is not a project for purposes of the California
16 Environmental Quality Act (Division 13 (commencing with Section
17 21000) of the Public Resources Code).

18 (d) *This section shall become inoperative on January 1, 2013,*
19 *and shall become operative on January 1, 2018, at which time the*
20 *registration fees specified in this section shall be adjusted pursuant*
21 *to subdivision (b) as if this section had not been inoperative.*

22 SEC. 3. *Section 15101 is added to the Fish and Game Code,*
23 *to read:*

24 15101. (a) *The owner of each aquaculture facility shall register*
25 *all of the following information with the department by March 1*
26 *of each year:*

27 (1) *The owner's name.*

28 (2) *The species grown.*

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

30 (b) *The department may provide registration forms for this*
31 *purpose, may establish a procedure for the review of the*
32 *information provided to ensure that the operation will not be*
33 *detrimental to native wildlife, and shall impose a registration fee*
34 *of eight hundred dollars (\$800) to recover the cost of reviewing*
35 *new registrations. For renewing registrations, the department*
36 *shall impose a registration fee of five hundred dollars (\$500). It*
37 *is unlawful to conduct aquaculture operations or to culture*
38 *approved species of aquatic plants and animals unless registered*
39 *under this section. The registration fees specified in this section*

1 *are applicable to the 2013 registration year and shall be adjusted*
2 *annually thereafter pursuant to Section 713.*

3 *(c) The annual registration of information required by*
4 *subdivision (b) is not a project for purposes of the California*
5 *Environmental Quality Act (Division 13 (commencing with Section*
6 *21000) of the Public Resources Code).*

7 *(d) This section shall remain in effect only until January 1, 2018,*
8 *and as of that date is repealed, unless a later enacted statute, that*
9 *is enacted before January 1, 2018, deletes or extends that date.*

10 ~~SEC. 3.~~

11 SEC. 4. Section 15103 of the Fish and Game Code is amended
12 to read:

13 15103. (a) In addition to the fees specified in Section 15101,
14 a surcharge fee of ~~six hundred dollars (\$600)~~ *four hundred twelve*
15 *dollars (\$412)* shall be paid at the time of registration by the owner
16 of an aquaculture facility if the gross annual sales of aquaculture
17 products of the facility during the prior calendar year exceed
18 twenty-five thousand dollars (\$25,000).

19 (b) Each registered aquaculturist shall maintain sales and
20 production records which shall be made available upon request of
21 the department to assist the department in the administration of
22 this chapter.

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

26 (d) The surcharge imposed pursuant to this section shall be
27 applicable to the ~~2013~~ 2004 registration year and shall be adjusted
28 annually thereafter pursuant to Section 713.

29 *(e) This section shall become inoperative on January 1, 2013,*
30 *and shall become operative on January 1, 2018, at which time the*
31 *surcharge fee specified in this section shall be adjusted pursuant*
32 *to subdivision (d) as if this section had not been inoperative.*

33 SEC. 5. Section 15103 is added to the Fish and Game Code,
34 to read:

35 15103. (a) In addition to the fees specified in Section 15101,
36 a surcharge fee of six hundred dollars (\$600) shall be paid at the
37 time of registration by the owner of an aquaculture facility if the
38 gross annual sales of aquaculture products of the facility during
39 the prior calendar year exceed twenty-five thousand dollars
40 (\$25,000).

1 (b) Each registered aquaculturist shall maintain sales and
2 production records which shall be made available upon request
3 of the department to assist the department in the administration
4 of this chapter.

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

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

11 (e) This section shall remain in effect only until January 1, 2018,
12 and as of that date is repealed, unless a later enacted statute, that
13 is enacted before January 1, 2018, deletes or extends that date.

14 ~~SEC. 4.~~

15 SEC. 6. Section 15104 of the Fish and Game Code is amended
16 to read:

17 15104. (a) If any person engages in the business of aquaculture,
18 as regulated under this division, without having paid the registration
19 fee or surcharge fee within one calendar month of the
20 commencement of business, or, for renewal of registration, on or
21 before April 1 of the registration year, the fees are delinquent.

22 (b) A penalty shall be paid at the time of registration for any
23 fees that are delinquent in the amount of ~~one hundred fifty dollars~~
24 ~~(\$150)~~ (\$50).

25 (c) The penalty imposed pursuant to subdivision (b) shall be
26 applicable to the ~~2013~~ 2005 registration year, and shall be adjusted
27 thereafter pursuant to Section 713.

28 (d) This section shall become inoperative on January 1, 2013,
29 and shall become operative on January 1, 2018, at which time the
30 penalty specified in this section shall be adjusted pursuant to
31 subdivision (c) as if this section had not been inoperative.

32 SEC. 7. Section 15104 is added to the Fish and Game Code,
33 to read:

34 15104. (a) If any person engages in the business of
35 aquaculture, as regulated under this division, without having paid
36 the registration fee or surcharge fee within one calendar month
37 of the commencement of business, or, for renewal of registration,
38 on or before April 1 of the registration year, the fees are
39 delinquent.

1 (b) A penalty shall be paid at the time of registration for any
2 fees that are delinquent in the amount of one hundred fifty dollars
3 (\$150).

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

7 (d) This section shall remain in effect only until January 1, 2018,
8 and as of that date is repealed, unless a later enacted statute, that
9 is enacted before January 1, 2018, deletes or extends that date.

10 ~~SEC. 5.~~

11 SEC. 8. Section 15105 of the Fish and Game Code is amended
12 to read:

13 15105. (a) Notwithstanding Section 13001 or 13002, all
14 moneys collected by the department pursuant to this division shall
15 be deposited in the Fish and Game Preservation Fund and shall be
16 expended solely on the department’s aquaculture program pursuant
17 to this division.

18 (b) Notwithstanding Section 13004, these moneys are available
19 for appropriation by the Legislature in the annual Budget Act for
20 purposes of this division.

21 (c) The department shall maintain internal accountability
22 necessary to ensure that all restrictions on the expenditure of these
23 funds are met and shall provide an accounting of the aquaculture
24 ~~coordinator~~ program account balance and expenditures upon
25 request of the Aquaculture Development Committee or the Joint
26 Committee on Fisheries and Aquaculture.

27 (d) Revenues pursuant to this chapter may be used only to pay
28 the costs incurred in the administration and enforcement of the
29 *department’s aquaculture* program.

30 (e) The department shall prepare and submit to the Legislature
31 on or before February 1, 2017, a report regarding the aquaculture
32 ~~coordinator~~ program undertaken using revenues derived pursuant
33 to that program, the benefits derived, and its recommendations for
34 revising the aquaculture-~~coordinator~~ program requirement, if any.

35 The

36 (f) (1) A report to be submitted pursuant to this subdivision (e)
37 shall be submitted in compliance with Section 9795 of the
38 Government Code.

1 (2) *The requirement for submitting a report imposed under*
2 *subdivision (e) is inoperative on February 1, 2021, pursuant to*
3 *Section 10231.5 of the Government Code.*

4 ~~SEC. 6. Section 15106 is added to the Fish and Game Code,~~
5 ~~to read:~~

6 ~~15106. This chapter shall remain in effect only until January~~
7 ~~1, 2018, and as of that date is repealed, unless a later enacted~~
8 ~~statute, that is enacted before January 1, 2018, deletes or extends~~
9 ~~that date.~~