

AMENDED IN SENATE AUGUST 21, 2012

AMENDED IN SENATE JULY 6, 2012

AMENDED IN SENATE JUNE 19, 2012

AMENDED IN ASSEMBLY MAY 3, 2012

AMENDED IN ASSEMBLY APRIL 16, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2443

Introduced by Assembly Member Williams

February 24, 2012

An act to add Article 1.3 (commencing with Section 675) to Chapter 5 of Division 3 of the Harbors and Navigation Code, and to amend Sections 9853 and, 9860, and 9863 of the Vehicle Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

AB 2443, as amended, Williams. Vessels: registration fee: Quagga and Zebra Mussel Infestation Prevention Program.

Existing law establishes various programs administered by, among other agencies, the Department of Fish and Game and the State Lands Commission, to prevent aquatic invasive species introduction and manage the spread and impacts of aquatic invasive species in state waters. Existing law prohibits, except as authorized by the Department of Fish and Game, a person from possessing, importing, shipping, or transporting in the state, or from placing, planting, or causing to be

placed or planted in any water within the state, dreissenid mussels, which are regulated by the department as an invasive species.

Existing law requires the owner of a vessel, as described, to register the vessel with the Department of Boating and Waterways (department), in accordance with prescribed requirements. Existing law establishes a registration fee for vessels and applies certain fee increases to that registration fee.

This bill would impose an additional fee in specified amounts, as determined by the department, on a vessel required to pay that registration fee. The bill would require the department, in determining the fee, to consult with a technical advisory group, which would be established by the department. The bill would require funds from the fee to be used to, among other things, implement and administer dreissenid mussel monitoring, inspection, and infestation prevention programs, as prescribed. The bill would require the department to adopt an emergency regulation to prescribe procedures for the collection and use of the fee.

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. The Legislature finds and declares all of the
2 following:

3 (a) Quagga and zebra mussels, nonnative dreissenid mussels
4 introduced in the United States from Europe in 1988, pose an
5 immediate and significant threat to California’s water supply, flood
6 control, power generation, and aquatic recreation infrastructure.
7 Once established in a body of freshwater, quagga and zebra mussels
8 latch onto pipes, valves, screens, irrigation canals, and gates, often
9 in quantities that severely impede the movement of water and the
10 necessary operation of other critical water management
11 infrastructure.

12 (b) Quagga and zebra mussel infestation poses tremendous
13 financial burdens on local governments and local economies.
14 Between 2000 and 2010, widespread zebra mussel infestation of
15 the Great Lakes region resulted in over \$5 billion in economic
16 impacts. Were it to become infested, California’s Lake Tahoe alone
17 would likely incur economic impacts of over \$20 million annually.

1 (c) Quagga and zebra mussel infestations have been identified
2 in 25 bodies of freshwater in California, most within the southern
3 California region. These infestations threaten additional water
4 management and recreational facilities throughout southern
5 California as well as facilities across the state. Facilities threatened
6 with infestation include, but are not limited to, agricultural water
7 management infrastructure in the central valley, drinking water
8 facilities in the central coast and north coast regions, power
9 generation infrastructure in the Sierra Nevada, and flood control
10 facilities throughout California's watersheds.

11 (d) Existing law prohibits the possession, importation, shipment,
12 transportation, planting, or placement of quagga and zebra mussels
13 in any water within the state.

14 (e) An urgency exists due to the tremendous water management
15 impacts and state and local government costs associated with
16 quagga and zebra mussel infestation.

17 (f) The fees required by Article 1.3 (commencing with Section
18 675) of Chapter 5 of Division 3 of the Harbors and Navigation
19 Code, as determined by the Department of Boating and Waterways,
20 are solely for the reasonable regulatory costs incident to performing
21 investigations and inspections necessary to prevent and control
22 the infestation of California waters by quagga and zebra mussels.

23 (g) It is therefore the intent of the Legislature that fees required
24 by Article 1.3 (commencing with Section 675) of Chapter 5 of
25 Division 3 of the Harbors and Navigation Code as determined by
26 the Department of Boating and Waterways, shall not exceed the
27 cumulative reasonable regulatory costs incident to performing
28 investigations and inspections necessary to prevent quagga and
29 zebra mussel infestation.

30 SEC. 2. Article 1.3 (commencing with Section 675) is added
31 to Chapter 5 of Division 3 of the Harbors and Navigation Code,
32 to read:

33

34 Article 1.3. Quagga and Zebra Mussel Infestation Prevention
35 Fee
36

37 675. (a) In addition to the fees imposed pursuant to paragraphs
38 (1) and (2) of subdivision (b) of Section 9853 or Section 9860 of
39 the Vehicle Code, there shall also be imposed an additional quagga

1 and zebra mussel infestation prevention fee in an amount to be
2 determined by the department as follows:

3 (1) The additional prevention fee imposed with the registration
4 fee collected pursuant to paragraph (1) of subdivision (b) of Section
5 9853 of the Vehicle Code shall be not more than ten dollars (\$10).

6 (2) The additional prevention fee imposed with the registration
7 fee collected pursuant to paragraph (2) of subdivision (b) of Section
8 9853 of the Vehicle Code shall be not more than twenty dollars
9 (\$20).

10 (3) The additional prevention fee imposed with the registration
11 fee collected pursuant to Section 9860 of the Vehicle Code shall
12 be not more than twenty dollars (\$20).

13 (b) In determining the amount of the fee imposed pursuant to
14 this subdivision, the department shall establish, and consult with,
15 a technical advisory group consisting of interested persons,
16 including, but not limited to, recreational boating and reservoir
17 operation representatives. The members of the advisory group
18 shall be appointed by the director.

19 (c) The department shall adopt an emergency regulation to
20 prescribe procedures for the collection and use of the quagga and
21 zebra mussel infestation prevention fee for the purposes of this
22 article. The emergency regulations shall include rules for
23 administering the grants awarded pursuant to Section 676.

24 (d) All revenues collected from the fee shall be deposited into
25 the Harbors and Watercraft Revolving Fund, and shall be expended
26 solely for the purposes set forth in Section 676.

27 (e) The fee established by this section shall not apply to vessels
28 that are used exclusively in marine waters.

29 676. (a) All moneys deposited in the Harbors and Watercraft
30 Revolving Fund pursuant to Section 675 shall be available, upon
31 appropriation by the Legislature, for the following purposes:

32 (1) For reasonable costs, ~~not to exceed 3 percent of total~~
33 ~~revenues~~, incurred by the department associated with determining
34 the prevention fee and adoption of regulations pursuant to Section
35 675, and with administering the grants pursuant to subdivision (b).

36 (2) (A) For reasonable costs, not to exceed 15 percent of the
37 remaining revenues deposited into the fund, of the Department *of*
38 Fish and Game for implementation of subparagraph (A) or (C) of
39 paragraph (2) of, or paragraph (1) of, subdivision (a) of Section
40 2301 or Section 2302 of the Fish and Game Code in those areas

1 of the state where a dreissenid mussel infestation prevention plan
2 has not been implemented.

3 (B) The amount specified in subparagraph (A) is in addition to
4 moneys available pursuant to subdivision (d) of Section 85.2.

5 ~~(4)~~

6 (3) An amount not less than 85 percent of the remaining
7 revenues deposited into the fund shall be made available for grants
8 to entities subject to subdivision (a) of Section 2302 of the Fish
9 and Game Code for the reasonable regulatory costs incident to the
10 implementation of a dreissenid mussel infestation prevention plan
11 implemented either before or after January 1, 2013, that is
12 consistent with the requirements of Section 2302 of the Fish and
13 Game Code.

14 (b) For the purposes of awarding grants pursuant to paragraph
15 ~~(4)~~ (3) of subdivision (a), the department shall do all of the
16 following:

17 (1) Give priority to dreissenid mussel infestation prevention
18 plans that are consistent with Section 2302 of the Fish and Game
19 Code and that also include visual and manual inspection standards
20 and other infestation prevention procedures consistent with either
21 the Department of Fish and Game's Invasive Mussel Guidebook
22 for Recreational Water Managers and Users, dated September
23 2010, or the Natural Resource Agency's Aquatic Invasive Species
24 Management Plan, dated January 2008, or subsequently adopted
25 guidebooks and management plans.

26 (2) Take into consideration the benefits of regional-scale
27 dreissenid mussel infestation prevention plans.

28 (3) Take into consideration the unique economic, ecological,
29 and recreational impacts to rural and urban reservoirs from
30 dreissenid mussel infestation.

31 (c) For purposes of this article, reasonable regulatory costs
32 include costs associated with the investigation and inspection of
33 a conveyance for the presence of dreissenid mussels prior to contact
34 with a reservoir, as defined in Section 6004.5 of the Water Code.
35 None of the revenues collected pursuant to subdivision (a) of
36 Section 675 shall be used for any purpose other than those
37 explicitly authorized by this section.

38 (d) For the purposes of this section, conveyances include boats
39 and other watercraft, and associated vehicles, containers, and
40 trailers that may carry or contain adult or larval dreissenid mussels.

1 (e) As a condition of receiving grant funding pursuant to this
2 section, an entity shall report to the department data, as deemed
3 appropriate by the department, regarding dreissenid mussel
4 prevention and inspection programs implemented with the funding.

5 677. This article does not preempt a special district, city,
6 county, or joint powers authority from adopting local regulations
7 or ordinances related to the prevention and eradication of invasive
8 aquatic species.

9 SEC. 3. Section 9853 of the Vehicle Code is amended to read:

10 9853. (a) The owner of each vessel requiring numbering by
11 this state shall file an initial application for a number with the
12 department or with an agent authorized by the department on forms
13 approved by the department. The forms shall be prepared in
14 cooperation with the Department of Boating and Waterways. The
15 application shall contain the true name and address of the owner
16 and of the legal owner, if any, and the hull identification number
17 of the vessel as may be required by the department. The application
18 shall be signed by the owner of the vessel and shall be accompanied
19 by a fee of nine dollars (\$9), in addition to the fees required under
20 subdivision (b), except that an owner of a vessel registered outside
21 this state who is submitting an application for registration in this
22 state shall pay a fee of thirty-seven dollars (\$37), in addition to
23 the fees required under subdivision (b).

24 (b) (1) Whenever the fee for original registration of a vessel
25 becomes due between January 1 and December 31 of any
26 even-numbered year, the application shall be accompanied by a
27 fee of ten dollars (\$10), in addition to any other fees that are then
28 due and payable.

29 (2) Whenever the fee for original registration of a vessel
30 becomes due, or is filed with the department, between January 1
31 and December 31 of any odd-numbered year, the application shall
32 be accompanied by a fee of twenty dollars (\$20) in addition to any
33 other fees that are then due and payable.

34 (c) ~~(1)~~—The department shall additionally collect a quagga and
35 zebra mussel infestation prevention fee in an amount established
36 by the Department of Boating and Waterways pursuant to Section
37 675 of the Harbors and Navigation Code.

38 ~~(2)~~ Notwithstanding Section 9863, after deducting the amount
39 of its administrative costs incurred in connection with the collection
40 of the fee specified in this subdivision, the department shall deposit

1 ~~fees collected pursuant to this subdivision into the Harbors and~~
2 ~~Watercraft Revolving Fund as required by Section 675 of the~~
3 ~~Harbors and Navigation Code for expenditure as provided in~~
4 ~~Section 676 of that code.~~

5 (d) The department shall provide documentation of its
6 administrative costs pursuant to this section to the Department of
7 Boating and Waterways.

8 SEC. 4. Section 9860 of the Vehicle Code is amended to read:

9 9860. (a) Certificates of number shall be renewed before
10 midnight of the expiration date by presentation of the certificate
11 of number last issued for the vessel or by presentation of a potential
12 registration card issued by the department.

13 (b) The fee for renewal shall be twenty dollars (\$20) for each
14 two-year period, and shall accompany the request for renewal.

15 (c) If the certificate of number and potential registration card
16 are unavailable, the fee specified in Section 9867 shall not be paid.

17 (d) ~~(1)~~ The department shall additionally collect a quagga and
18 zebra mussel infestation prevention fee in an amount established
19 by the Department of Boating and Waterways pursuant to Section
20 675 of the Harbors and Navigation Code.

21 ~~(2) Notwithstanding Section 9863, after deducting its~~
22 ~~administrative costs incurred in connection with the collection of~~
23 ~~the fee specified in this subdivision, the department shall deposit~~
24 ~~fees collected pursuant to this subdivision into the Harbors and~~
25 ~~Watercraft Revolving Fund as required by Section 675 of the~~
26 ~~Harbors and Navigation Code for expenditure as provided in~~
27 ~~Section 676 of that code.~~

28 (e) The department shall provide documentation of its
29 administrative costs pursuant to this section to the Department of
30 Boating and Waterways.

31 SEC. 5. Section 9863 of the Vehicle Code is amended to read:

32 9863. (a) Except as required under ~~subdivision~~ *subdivisions*
33 (b) *and (c)*, and except moneys collected under Section 9875, fees
34 received pursuant to this chapter shall be deposited in the Harbors
35 and Watercraft Revolving Fund and, notwithstanding Section
36 13340 of the Government Code, are continuously appropriated,
37 without regard to fiscal years, for the administration of this chapter
38 by the department. Funds in the Harbors and Watercraft Revolving
39 Fund derived pursuant to this chapter in excess of the amount
40 determined by the Director of Finance, from time to time, to be

1 necessary for expenditure for the administration of this chapter,
2 notwithstanding Section 13340 of the Government Code, are
3 continuously appropriated to the Department of Boating and
4 Waterways, without regard to fiscal years, for expenditure in
5 accordance with Section 663.7 of the Harbors and Navigation
6 Code.

7 (b) Funds derived from imposition of the biennial registration
8 fee under paragraph (2) of subdivision (b) of Section 9853, or
9 under *subdivision (b) of Section 9860*, shall be distributed as
10 follows:

11 (1) One-half shall be continuously appropriated pursuant to
12 subdivision (a).

13 (2) One-half shall be allocated, upon appropriation, to the
14 Department of Boating and Waterways for expenditure in support
15 of programs under the department’s jurisdiction.

16 (c) *Funds derived from the imposition of the quagga and zebra*
17 *mussel prevention fee under subdivision (c) of Section 9853, or*
18 *under subdivision (d) of Section 9860, shall be distributed as*
19 *specified in Section 676 of the Harbors and Navigation Code.*