

AMENDED IN ASSEMBLY JUNE 30, 2011

AMENDED IN SENATE MAY 3, 2011

AMENDED IN SENATE MARCH 25, 2011

SENATE BILL

No. 505

Introduced by Senator La Malfa

February 17, 2011

An act to amend Section 13007 of the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

SB 505, as amended, La Malfa. Fish: licenses: trout hatcheries.

Existing law requires 33 ⅓% of the fees derived from the issuance of sport fishing licenses, with certain exceptions, to be deposited into the Hatchery and Inland Fisheries Fund within the State Treasury. Moneys in the fund may be expended, upon appropriation, in support of Department of Fish and Game programs related to the management, maintenance, and capital improvement of California's fish hatcheries, the Heritage and Wild Trout Program, enforcement activities, and other activities eligible to be funded from revenue generated by sport fishing license fees. Existing law requires that those fund moneys be used for specified purposes, including the attainment of prescribed fish production and release goals for state hatcheries.

This bill would authorize the department, if those goals are not projected to be met by state hatcheries, *and contingent upon a specified inspection and determination by the department*, to contract with privately owned hatcheries to procure up to 20% of the pounds of fish necessary to meet the goals. The bill would require a report required by existing law to contain specified information relating to the fund.

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 13007 of the Fish and Game Code is
2 amended to read:
3 13007. (a) Notwithstanding Section 13001 and paragraph (1)
4 of subdivision (a) of Section 13005, commencing July 1, 2006,
5 33 ⅓ percent of all sport fishing license fees collected pursuant to
6 Article 3 (commencing with Section 7145) of Chapter 1 of Part 2
7 of Division 6, except license fees collected pursuant to Section
8 7149.8, shall be deposited into the Hatchery and Inland Fisheries
9 Fund, which is hereby established in the State Treasury. Moneys
10 in the fund may be expended, upon appropriation by the
11 Legislature, to support programs of the Department of Fish and
12 Game related to the management, maintenance, and capital
13 improvement of California's fish hatcheries, the Heritage and Wild
14 Trout Program, and enforcement activities related thereto, and to
15 support other activities eligible to be funded from revenue
16 generated by sport fishing license fees.
17 (b) The sport fishing license fees collected and subject to
18 appropriation pursuant to subdivision (a) shall be used for the
19 following purposes:
20 (1) For the department's attainment of the following production
21 goals for state hatcheries, based on the sales of the following types
22 of sport fishing licenses: resident; lifetime; nonresident year;
23 nonresident, 10-day; 2-day; 1-day; and reduced fee.
24 (A) By July 1, 2007, a minimum of 2.25 pounds of released
25 trout per sport fishing license sold in 2006, 1.75 pounds of which
26 must be of catchable size or larger.
27 (B) By July 1, 2008, a minimum of 2.5 pounds of released trout
28 per sport fishing license sold in 2007, 2.0 pounds of which must
29 be of catchable size or larger.
30 (C) By July 1, 2009, and thereafter, a minimum of 2.75 pounds
31 of released trout per sport fishing license sold in 2008, 2.25 pounds
32 of which must be of catchable size or larger.
33 (D) The department shall attain these goals in compliance with
34 Fish and Game Commission trout policies concerning
35 catchable-sized trout stocking.

(2) (A) The department, if the production and release goals of paragraph (1) are not projected to be met by state hatcheries, may contract with privately owned hatcheries located in the state to procure up to 20 percent of the pounds of fish necessary to meet those goals. The cost per fish or per pound of fish provided by privately owned hatcheries shall not exceed the cost to the department of state hatchery fish, calculated equivalently. Revenues deposited in the Hatchery and Inland Fisheries Fund pursuant to subdivision (a) may be used, subject to appropriation in accordance with that subdivision.

(B) *The authority provided by this paragraph for the department to procure fish from a privately owned hatchery is contingent upon a determination by the department, following an inspection, that the privately owned hatchery is in compliance with operations, management, and monitoring standards that are at least as stringent as those in effect at state hatcheries, in order to minimize the risk of the spread of disease or invasive species into inland state waters and fisheries.*

(3) To the Heritage and Wild Trout Program, two million dollars (\$2,000,000), which shall be used for permanent positions and seasonal aides in each region of the state as necessary, and other activities necessary to the program.

(A) The funds allocated pursuant to this paragraph shall be used to fund seven new positions for the Heritage and Wild Trout Program.

(B) In addition to the seven new positions specified in subparagraph (A), the department may hire seasonal aides in each region of the state to assist with the operations of the Heritage and Wild Trout Program.

(4) The department shall, by January 1, 2012, ensure that the numbers of native California trout, as defined in Section 7261, produced are sufficient to equal or exceed 25 percent of the numbers of trout produced by the state fish hatcheries to comply with paragraph (1). The native trout produced in accordance with this paragraph shall support department efforts to protect and restore cold water ecosystems, maintain biological diversity, and provide diverse angling opportunities. Coastal rainbow trout/steelhead produced for anadromous mitigation purposes shall be excluded from contributing to the native trout production goals required by this paragraph. Coastal rainbow trout/steelhead

1 propagated for purposes other than anadromous mitigation and
2 released into their source watersheds may be counted toward the
3 25 percent native trout production goal. Native trout produced
4 shall be naturally indigenous stocks from their original source
5 watersheds. Native trout produced may be released into watersheds
6 other than their original source watershed only if the released trout
7 will cause no harm to other native trout in their original watersheds.
8 The department shall attain the 25 percent production goal
9 according to the following schedule:

10 (A) By January 1, 2010, 15 percent and at least four species.

11 (B) By January 1, 2011, 20 percent and at least four species.

12 (C) By January 1, 2012, 25 percent and at least five species.

13 (5) The department may hire additional staff for state fish
14 hatcheries, in order to comply with this subdivision.

15 (c) The department may allocate any funds under this section,
16 not necessary to maintain the minimums specified in paragraphs
17 (1), (2), and (4) of subdivision (b), and after the expenditure in
18 paragraph (3) of subdivision (b), to the Fish and Game Preservation
19 Fund.

20 (d) The department may utilize federal funds to meet the funding
21 formula specified in subdivision (a) if those funds are otherwise
22 legally available for this purpose.

23 (e) A portion of the moneys subject to appropriation pursuant
24 to subdivision (a) may be used for the purpose of obtaining
25 scientifically valid genetic determinations of California native
26 trout stocks, consistent with Theme 1 in the executive summary
27 of the department's Strategic Plan for Trout Management,
28 published November 2003.

29 (f) (1) The department, by July 1, 2012, and annually thereafter,
30 shall report to the fiscal and policy committees in the Legislature
31 on the implementation of these provisions.

32 (2) The report shall contain all of the following information:

33 (A) The combined revenues received by the Hatchery and Inland
34 Fisheries Fund from all types of sport fishing licenses and the
35 current balance of the fund.

36 (B) Itemized expenditures from the Hatchery and Inland
37 Fisheries Fund, including the statutory authority for each
38 expenditure.

1 (C) The total number of fish planted from Hatchery and Inland
2 Fisheries Fund programs, including the hatcheries from which the
3 fish were procured.

4 (D) All loans made from the Hatchery and Inland Fisheries
5 Fund, including the amount, receiving entity, and repayment status
6 of the loan.

7 (3) A report to be submitted pursuant to this subdivision shall
8 be submitted in compliance with Section 9795 of the Government
9 Code.

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