

AMENDED IN SENATE AUGUST 21, 1996
AMENDED IN SENATE AUGUST 15, 1996
AMENDED IN SENATE AUGUST 7, 1996
AMENDED IN SENATE JULY 8, 1996
AMENDED IN SENATE JUNE 25, 1996
AMENDED IN SENATE JUNE 13, 1996
AMENDED IN SENATE MAY 21, 1996
AMENDED IN SENATE JULY 6, 1995
AMENDED IN ASSEMBLY JUNE 1, 1995
AMENDED IN ASSEMBLY MAY 26, 1995
AMENDED IN ASSEMBLY MAY 3, 1995
AMENDED IN ASSEMBLY APRIL 5, 1995
AMENDED IN ASSEMBLY MARCH 6, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 122

Introduced by Assembly Member Rainey

January 12, 1995

An act to amend Sections 80.2, 85.2, and 663.7 of the Harbors and Navigation Code, and to amend Sections 9861 and 9863 of, and to amend, repeal, and add Section 9860 of, the Vehicle

Code, relating to vessels, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 122, as amended, Rainey. Vessels: Harbors and Watercraft Revolving Fund.

(1) Under existing law, the Boating and Waterways Commission is composed of 7 members appointed by the Governor, with the advice and consent of the Senate. At least one of the members is required to be a member of a recognized statewide organization representing recreational boaters and one member of the commission is required to be a private small craft harbor owner and operator.

This bill would require one member of the commission to be an officer or employee of a law enforcement agency responsible for enforcing boating laws.

(2) Existing law requires undocumented watercraft to have a current registration, renewed annually, imposes a \$5 fee for the renewal, and requires those fees to be deposited in the Harbors and Watercraft Revolving Fund.

This bill would change the registration renewal period to 2 years, would change the fee to \$10 for renewal, commencing January 1, 1998, and would require all existing certificates of number to expire on December 31, 1997, and, thereafter on December 31 of every odd-numbered year.

(3) Existing law imposes a tax on fuel used in vessels in California and requires the revenues from the tax, after deductions of costs of collection and refunds, to be deposited in the fund.

Existing law generally makes a portion of any vessel registration fees deposited in the fund, in excess of the amount necessary for administration of the registration program, available, upon appropriation, for expenditure by the Department of Boating and Waterways for boating facilities' development, boating safety, and boating regulation programs, a public information and research program relating to boating safety, and construction of small craft harbor and boating facilities planned, designed, and constructed by the department at sites owned or controlled



by the state. Existing law also makes that portion of the money in the fund and other money not continuously appropriated in the fund, available, upon appropriation, to the Department of Parks and Recreation for the operation and maintenance of units of the state park system that have boating related activities. Existing law continuously appropriates a portion of the vessel registration fees deposited in the fund to the department for allocation to counties and the Department of Parks and Recreation for boating safety and enforcement programs on waters under their jurisdiction.

This bill would continuously appropriate all of those vessel registration fees deposited in the fund, in excess of the amount necessary for expenditure for administration of the registration program, to the Department of Boating and Waterways for allocation to counties and the Department of Parks and Recreation for boating safety and enforcement programs on waters under their jurisdiction and would authorize all funds appropriated to the Department of Parks and Recreation from the fund to be used for those boating safety and enforcement programs.

The bill would require the Department of Boating and Waterways to allocate the funds appropriated for boating safety programs to counties from which the department receives a resolution adopted by the county board of supervisors authorizing the county to participate in the program and that certifies that the county will expend for boating safety programs during that year not less than an amount equal to 100% of personal property taxes on vessels for specified purposes.

The bill would require a county receiving funds to use the funds only for boating safety and enforcement programs in that county and to submit a specified report to the Department of Boating and Waterways relating to boating safety within 60 days of the end of the fiscal year of the county, thereby imposing a state-mandated local program.

The bill would require the Department of Boating and Waterways to provide a summary of all boating safety activities undertaken by the counties in the preceding 2 fiscal years and other specified information in its biennial report to the Legislature.



(4) *This bill would provide that if SB 1968 is enacted and amends Section 85.2 of the Harbors and Navigation Code and this bill is enacted last, the amendments to that section proposed by SB 1968 would prevail over and supersede that section as amended by this bill.*

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes.
 State-mandated local program: no.

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

1 SECTION 1. Section 80.2 of the Harbors and
 2 Navigation Code is amended to read:
 3 80.2. The commission shall be composed of seven
 4 members appointed by the Governor, with the advice
 5 and consent of the Senate. The members shall have
 6 experience and background consistent with the functions
 7 of the commission. In making appointments to the
 8 commission, the Governor shall give primary
 9 consideration to geographical location of the residence of
 10 members as related to boating activities and harbors. In
 11 addition to geographical considerations, the members of
 12 the commission shall be appointed with regard to their
 13 special interests in recreational boating. At least one of
 14 the members shall be a member of a recognized
 15 statewide organization representing recreational
 16 boaters. One member of the commission shall be a private
 17 small craft harbor owner and operator. One member of
 18 the commission shall be an officer or employee of a law
 19 enforcement agency responsible for enforcing boating
 20 laws. The first vacancy occurring on the commission on
 21 and after January 1, 1997, shall be filled by such an officer
 22 or employee.
 23 The Governor shall appoint the first seven members of
 24 the commission for the following terms to expire on
 25 January 15: one member for one year, two members for
 26 two years, two members for three years, and two
 27 members for four years. Thereafter, appointments shall
 28 be for a four-year term. Vacancies occurring prior to the
 29 expiration of the term shall be filled by appointment for
 30 the unexpired term.



1 SEC. 2. Section 85.2 of the Harbors and Navigation
2 Code is amended to read:

3 85.2. All money in the Harbors and Watercraft
4 Revolving Fund shall be available, upon appropriation by
5 the Legislature, for expenditure by the department for
6 boating facilities development, boating safety, and
7 boating regulation programs, and for the purposes of
8 Section 656.4, including refunds, and for expenditure for
9 construction of small craft harbor and boating facilities
10 planned, designed, and constructed by the department,
11 as specified in subdivision (c) of Section 50, at sites owned
12 or under the control of the state. The money in the fund
13 shall also be available, upon appropriation by the
14 Legislature, to the Department of Parks and Recreation
15 for the operation and maintenance of units of the state
16 park system that have boating-related activities. Funds
17 appropriated to the Department of Parks and Recreation
18 may also be used for boating safety and enforcement
19 programs for waters under its jurisdiction. Upon the
20 request of the Legislature, the Department of Parks and
21 Recreation shall provide an annual report detailing
22 expenditures of funds appropriated under this section.

23 SEC. 2.5. Section 663.7 of the Harbors and Navigation
24 Code is amended to read:

25 663.7. (a) Each county of the state is entitled to
26 receive state financial aid for boating safety and
27 enforcement programs on waters under its jurisdiction as
28 provided in this section. A boating safety and
29 enforcement program, as used in this section, includes
30 search and rescue operations, recovery of drowned
31 bodies, enforcement of state and local measures for
32 regulation of boating activities, inspection of vessels, and
33 supervision of organized water events.

34 (b) A public agency within a county and the
35 Department of Parks and Recreation are entitled to
36 receive aid for boating safety and enforcement programs
37 on waters under their jurisdiction through the county in
38 which it lies, and that aid shall be counted as aid to the
39 county; except that aid provided under subdivision (h)
40 for boating safety and enforcement programs of the



1 Department of Parks and Recreation for waters under its
2 jurisdiction shall not be counted as aid to a county.

3 (c) (1) Of the funds appropriated for boating safety
4 and enforcement programs pursuant to Section 85.2, the
5 department shall adopt and utilize a formula that first
6 allocates funds to counties so that no county receives less
7 than the amount it was allocated in the 1996–97 fiscal year,
8 unless the county’s program is reduced, or the county
9 does not meet the eligibility requirements of this section.
10 If the total amount of money in the Harbors and
11 Watercraft Revolving Fund is less than the amount
12 available for the 1996–97 fiscal year, the funds allocated to
13 each county shall be reduced in proportion to the
14 reduction in the overall fund relative to the 1996–97 fiscal
15 year.

16 (2) Second, from funds remaining, the department
17 shall allocate funds to eligible counties which have
18 submitted a grant application pursuant to subdivision (i)
19 but which do not receive an allocation pursuant to
20 paragraph (1).

21 (3) The funds allocated pursuant to paragraph (1)
22 shall not be greater in total amount than 50 percent of the
23 funds appropriated for boating safety programs, unless
24 the department determines that an amount greater than
25 50 percent is needed to meet the minimum allocation
26 requirements set forth in paragraph (1).

27 (d) The amount of aid for which a county or a public
28 agency within a county is eligible under this section shall
29 not exceed the total cost of its boating safety and
30 enforcement program. Notwithstanding paragraph (1)
31 of subdivision (c), no county shall receive an amount
32 greater than 20 percent of the total funds appropriated to
33 all counties for boating safety and enforcement programs
34 in any fiscal year. Notwithstanding any other provision of
35 this section, any county that receives a boating safety and
36 enforcement allocation during the 1997–98 fiscal year as
37 a result of a prior appropriation shall not receive an
38 additional allocation for the 1997–98 fiscal year pursuant
39 to this section.



1 (e) The department shall not allocate funds to any
2 county or a public agency within a county unless the
3 department receives a resolution adopted annually by
4 the board of supervisors authorizing the county to
5 participate in the program and certifying that the county
6 will expend for boating safety programs during that year
7 not less than an amount equal to 100 percent of the
8 amount received by the county from personal property
9 taxes on vessels. The money allocated to a county
10 pursuant to subdivision (a) shall be used only for boating
11 safety and enforcement programs, as specified in
12 subdivision (a), that are conducted in that county.

13 (f) Any county that receives an allocation of funds
14 pursuant to subdivision (c) shall submit a report to the
15 department on or before 60 days after the end of the fiscal
16 year that provides all of the following:

17 (1) The purpose for which funds received in the
18 immediately preceding fiscal year were spent.

19 (2) The total amount expended on boating safety and
20 enforcement programs in the immediately preceding
21 fiscal year.

22 (3) All pertinent boating safety and enforcement and
23 accident statistics from the immediately preceding fiscal
24 year.

25 (4) All other data that may be required by the
26 department relating to improved boating safety in
27 California.

28 (g) The department shall provide in its biennial report
29 to the Legislature a summary of boating safety activities
30 undertaken by the counties receiving financial aid from
31 the department in the immediately preceding two fiscal
32 years along with a summary of the information received
33 pursuant to subdivision (f).

34 (h) Aid for boating safety and enforcement programs
35 shall be made available to the Department of Parks and
36 Recreation for waters under its jurisdiction in accordance
37 with a boat entry unit cost factor derived by dividing the
38 most recent annual boat entry count into the maximum
39 amount available and appropriated for those programs in
40 the 1969–70 fiscal year. Budgets for those programs shall



1 be estimated for each fiscal year and adjustments shall be
2 made thereto for the previous year in accordance with
3 the actual boat entry count as it becomes available
4 multiplied by the boat entry unit cost factor. The amount
5 thus determined shall be available to the Department of
6 Parks and Recreation from the Harbors and Watercraft
7 Revolving Fund.

8 (i) Entities or agencies desiring aid under this section
9 shall submit grant applications to the department at least
10 six months prior to the period for which aid is required.
11 Grant applications shall be in the form and contain the
12 information that the department may require.

13 (j) Within 60 days after the close of any period for
14 which aid is received, the entity or agency shall submit to
15 the department a statement of the expenditures actually
16 incurred, in the form and containing the information that
17 the department may require.

18 (k) The department shall be responsible for the
19 administration of this section, and may adopt rules and
20 regulations that may be necessary to carry out its
21 provisions. The department shall make periodic
22 evaluations of the effectiveness of programs receiving aid
23 under this section.

24 SEC. 3. Section 9860 of the Vehicle Code is amended
25 to read:

26 9860. (a) Certificates of number shall be renewed
27 before midnight of the expiration date every year by
28 presentation of the certificate of number last issued for
29 the vessel or by presentation of a potential registration
30 card issued by the department. The fee for renewal shall
31 be five dollars (\$5) per year and shall accompany the
32 request for renewal. If the certificate of number and
33 potential registration card are unavailable, a fee as
34 specified in Section 9867 shall not be paid.

35 (b) This section shall remain in effect only until
36 January 1, 1998, and as of that date is repealed, unless a
37 later enacted statute, that is enacted before January 1,
38 1998, deletes or extends that date.

39 SEC. 4. Section 9860 is added to the Vehicle Code, to
40 read:



1 9860. (a) Certificates of number shall be renewed
2 before midnight of the expiration date every second year
3 by presentation of the certificate of number last issued for
4 the vessel or by presentation of a potential registration
5 card issued by the department. The fee for renewal shall
6 be ten dollars (\$10) for each two-year period and shall
7 accompany the request for renewal. If the certificate of
8 number and potential registration card are unavailable,
9 a fee as specified in Section 9867 shall not be paid.

10 (b) This section shall become operative on January 1,
11 1998.

12 SEC. 5. Section 9861 of the Vehicle Code is amended
13 to read:

14 9861. All certificates of number expire on December
15 31, 1997, and thereafter on December 31 of every
16 odd-numbered year.

17 SEC. 6. Section 9863 of the Vehicle Code is amended
18 to read:

19 9863. All fees received, except moneys collected
20 under Section 9875, pursuant to this chapter shall be
21 deposited in the Harbors and Watercraft Revolving Fund
22 and, notwithstanding Section 13340 of the Government
23 Code, are continuously appropriated, without regard to
24 fiscal years, for the administration of this chapter. Any
25 funds in the Harbors and Watercraft Revolving Fund in
26 excess of the amount determined by the Director of
27 Finance, from time to time, to be necessary for
28 expenditure for the administration of this chapter,
29 notwithstanding Section 13340 of the Government Code,
30 are continuously appropriated to the department,
31 without regard to fiscal years, for expenditure in
32 accordance with Section 663.7 of the Harbors and
33 Navigation Code.

34 *SEC. 7. It is the intent of the Legislature that if both*
35 *this bill and Senate Bill 1968 are enacted, both bills amend*
36 *Section 85.2 of the Harbors and Navigation Code, and this*
37 *bill is enacted last, that Section 85.2 of the Harbors and*
38 *Navigation Code as amended by Senate Bill 1968 prevail*
39 *over and supersede that section as amended by this bill,*

1 *in which case Section 2 of this bill shall not become*
2 *operative.*

O

