

Assembly Bill No. 122

CHAPTER 971

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.

[Approved by Governor September 27, 1996. Filed
with Secretary of State September 27, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 122, 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.

Appropriation: yes.

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

SECTION 1. Section 80.2 of the Harbors and Navigation Code is amended to read:



80.2. The commission shall be composed of seven members appointed by the Governor, with the advice and consent of the Senate. The members shall have experience and background consistent with the functions of the commission. In making appointments to the commission, the Governor shall give primary consideration to geographical location of the residence of members as related to boating activities and harbors. In addition to geographical considerations, the members of the commission shall be appointed with regard to their special interests in recreational boating. At least one of the members shall be a member of a recognized statewide organization representing recreational boaters. One member of the commission shall be a private small craft harbor owner and operator. One member of the commission shall be an officer or employee of a law enforcement agency responsible for enforcing boating laws. The first vacancy occurring on the commission on and after January 1, 1997, shall be filled by such an officer or employee.

The Governor shall appoint the first seven members of the commission for the following terms to expire on January 15: one member for one year, two members for two years, two members for three years, and two members for four years. Thereafter, appointments shall be for a four-year term. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

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

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

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

663.7. (a) Each county of the state is entitled to receive state financial aid for boating safety and enforcement programs on waters



under its jurisdiction as provided in this section. A boating safety and enforcement program, as used in this section, includes search and rescue operations, recovery of drowned bodies, enforcement of state and local measures for regulation of boating activities, inspection of vessels, and supervision of organized water events.

(b) A public agency within a county and the Department of Parks and Recreation are entitled to receive aid for boating safety and enforcement programs on waters under their jurisdiction through the county in which it lies, and that aid shall be counted as aid to the county; except that aid provided under subdivision (h) for boating safety and enforcement programs of the Department of Parks and Recreation for waters under its jurisdiction shall not be counted as aid to a county.

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

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

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

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

(e) The department shall not allocate funds to any county or a public agency within a county unless the department receives a resolution adopted annually by the board of supervisors authorizing the county to participate in the program and certifying that the



county will expend for boating safety programs during that year not less than an amount equal to 100 percent of the amount received by the county from personal property taxes on vessels. The money allocated to a county pursuant to subdivision (a) shall be used only for boating safety and enforcement programs, as specified in subdivision (a), that are conducted in that county.

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

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

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

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

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

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

(h) Aid for boating safety and enforcement programs shall be made available to the Department of Parks and Recreation for waters under its jurisdiction in accordance with a boat entry unit cost factor derived by dividing the most recent annual boat entry count into the maximum amount available and appropriated for those programs in the 1969–70 fiscal year. Budgets for those programs shall be estimated for each fiscal year and adjustments shall be made thereto for the previous year in accordance with the actual boat entry count as it becomes available multiplied by the boat entry unit cost factor. The amount thus determined shall be available to the Department of Parks and Recreation from the Harbors and Watercraft Revolving Fund.

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

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

(k) The department shall be responsible for the administration of this section, and may adopt rules and regulations that may be necessary to carry out its provisions. The department shall make



periodic evaluations of the effectiveness of programs receiving aid under this section.

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

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

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

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

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

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

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

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

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

9863. All fees received, except moneys collected under Section 9875, pursuant to this chapter shall be deposited in the Harbors and Watercraft Revolving Fund and, notwithstanding Section 13340 of the Government Code, are continuously appropriated, without regard to fiscal years, for the administration of this chapter. Any funds in the Harbors and Watercraft Revolving Fund in excess of the amount determined by the Director of Finance, from time to time, to be necessary for expenditure for the administration of this chapter, notwithstanding Section 13340 of the Government Code, are continuously appropriated to the department, without regard to fiscal years, for expenditure in accordance with Section 663.7 of the Harbors and Navigation Code.

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



by this bill, in which case Section 2 of this bill shall not become operative.

O

84

