

ASSEMBLY BILL

No. 2601

Introduced by Assembly Member Burton

February 21, 1996

An act to add Sections 8558, 8558.1, 8558.2, and 8558.3 to the Fish and Game Code, relating to commercial fishing, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2601, as introduced, Burton. Commercial fishing: herring.

(1) Existing law makes it a misdemeanor for a person to take herring for roe for commercial purposes on a vessel unless the operator has a herring permit issued by the Department of Fish and Game under regulations adopted by the Fish and Game Commission.

This bill would, additionally, require any person who takes herring in San Francisco Bay, or who renews a permit to take herring in that bay, to obtain an annual herring stamp from the department for an unspecified fee.

The bill would create a herring research account within the Fish and Game Preservation Fund and would require the revenues derived from herring stamps to be deposited in that account together with specified herring landing taxes, specified herring license fees, royalty fees for San Francisco Bay herring permit transfers, and fees from the roe-on-kelp fishery. The bill would provide that the money in the research account is to be expended for the evaluation of herring stocks

and other herring research and for specified educational purposes.

(2) Because other provisions of existing law would make a violation of the bill a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) Because the bill would reallocate specified funds in the Fish and Game Preservation Fund, a continuously appropriated fund, and impose new duties on the department whose costs are paid from that fund, the bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 8558 is added to the Fish and
2 Game Code, to read:
3 8558. (a) There is established a herring research
4 account within the Fish and Game Preservation Fund.
5 The funds in the account shall be expended for the
6 purpose of supporting, in consultation with the herring
7 industry pursuant to Section 8555, department
8 evaluations of, and research on, herring populations in
9 San Francisco Bay and those evaluations and research
10 that may be required for Tomales Bay, Humboldt Bay,
11 and Crescent City. The evaluations and research shall be
12 for the purpose of (1) determining the annual herring
13 spawning biomass, (2) determining the condition of the
14 herring resource and its habitat, and (3) assisting the
15 commission and the department in the adoption of
16 regulations to ensure a sustainable herring roe fishery. An
17 amount, not to exceed 15 percent of the total funds in the
18 account, may be used for educational purposes regarding
19 herring, herring habitat, and the herring roe fishery.



1 (b) The funds in the account shall consist of the funds
2 deposited pursuant to Sections 8558.1, 8558.2, and 8558.3,
3 and the funds derived from herring landing taxes
4 allocated pursuant to subdivision (a) of Section 8052.

5 SEC. 2. Section 8558.1 is added to the Fish and Game
6 Code, to read:

7 8558.1. No person shall purchase or renew any permit
8 to take herring in San Francisco Bay, or participate as an
9 operator or crew aboard any vessel taking or landing
10 herring in San Francisco Bay, without first obtaining from
11 the department an annual herring stamp. The fee for the
12 stamp shall be _____ dollars (\$_____). The revenue
13 from the fee for the herring stamps, except for a 15
14 percent administrative overhead charge to pay the
15 administrative costs of the department, shall be deposited
16 into the herring research account established pursuant to
17 Section 8558.

18 SEC. 3. Section 8558.2 is added to the Fish and Game
19 Code, to read:

20 8558.2. The amount of the difference between fees for
21 nonresidents and resident fees, collected pursuant to
22 Section 8505.5, shall be deposited into the herring
23 research account established pursuant to Section 8558,
24 and all fees for San Francisco Bay herring permit
25 transfers, collected pursuant to Section 8552.7, shall also
26 be deposited into the herring research account.

27 SEC. 4. Section 8558.3 is added to the Fish and Game
28 Code, to read:

29 8558.3. One-half of all royalties collected by the
30 department from the roe-on-kelp fishery collected
31 pursuant to paragraph (2) of subdivision (f) of Section
32 164 of Title 14 of the California Code of Regulations shall
33 be deposited into the herring research account
34 established pursuant to Section 8558.

35 SEC. 5. No reimbursement is required by this act
36 pursuant to Section 6 of Article XIII B of the California
37 Constitution because the only costs that may be incurred
38 by a local agency or school district will be incurred
39 because this act creates a new crime or infraction,
40 eliminates a crime or infraction, or changes the penalty



1 for a crime or infraction, within the meaning of Section
2 17556 of the Government Code, or changes the definition
3 of a crime within the meaning of Section 6 of Article
4 XIII B of the California Constitution.

5 Notwithstanding Section 17580 of the Government
6 Code, unless otherwise specified, the provisions of this act
7 shall become operative on the same date that the act
8 takes effect pursuant to the California Constitution.

O

