

Assembly Bill No. 2601

CHAPTER 584

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.

[Approved by Governor September 15, 1996. Filed
with Secretary of State September 17, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2601, 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 require any person who purchases or renews a permit to take herring in San Francisco Bay on or after April 1, 1997, to obtain an annual herring stamp from the department for a fee of \$100.

The bill would create a herring research and management 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 and management account is to be expended for the evaluation of herring stocks and other herring research, assisting in enforcement of herring regulations, 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) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the department to carry out the Fish and Game Code.

Because the bill would reallocate specified money in the fund, and would impose new duties on the department whose costs are paid from that fund, the bill would make an appropriation.

Appropriation: yes.

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

SECTION 1. Section 8558 is added to the Fish and Game Code, to read:

8558. (a) There is established a herring research and management account within the Fish and Game Preservation Fund. The funds in the account shall be expended for the purpose of supporting, in consultation with the herring industry pursuant to Section 8555, department evaluations of, and research on, herring populations in San Francisco Bay and those evaluations and research that may be required for Tomales Bay, Humboldt Bay, and Crescent City and assisting in enforcement of herring regulations. The evaluations and research shall be for the purpose of (1) determining the annual herring spawning biomass, (2) determining the condition of the herring resource, which may include its habitat, and (3) assisting the commission and the department in the adoption of regulations to ensure a sustainable herring roe fishery. An amount, not to exceed 15 percent of the total funds in the account, may be used for educational purposes regarding herring, herring habitat, and the herring roe fishery.

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

(c) The department shall maintain internal accountability necessary to ensure that all restrictions on the expenditure of the funds in the account are met.

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

8558.1. (a) No person shall purchase or renew any permit to take herring for commercial purposes in San Francisco Bay without first obtaining from the department an annual herring stamp. The fee for the stamp shall be one hundred dollars (\$100). The revenue from the fee for the herring stamps shall be deposited into the herring research and management account established pursuant to Section 8558.

(b) This section shall become operative on April 1, 1997.

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

8558.2. The amount of the difference between fees for nonresidents and resident fees, collected pursuant to Section 8550.5, shall be deposited into the herring research and management account established pursuant to Section 8558, and all fees for San Francisco Bay herring permit transfers, collected pursuant to Section



8552.7, shall also be deposited into the herring research and management account.

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

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

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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

