

Senate Bill No. 1003

CHAPTER 490

An act to amend Sections 6433, 6434, and 6439 of the Fish and Game Code, relating to aquatic species, and making an appropriation therefor.

[Approved by Governor September 24, 1997. Filed
with Secretary of State September 25, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1003, McPherson. Aquatic nuisance species.

(1) Existing law requires the operators of all vessels that carry ballast water and enter a port in this state to complete and return a ballast water control report form to the Department of Fish and Game. A violation of that requirement is an infraction punishable by a specified fine. Existing law places responsibility on the department to develop, distribute, and receive these report forms. This existing law is to be repealed on January 1, 1998.

This bill, instead, would provide that the department shall adopt a ballast water control report form consistent with the form developed by the United States Coast Guard. The bill would require the department to assist the Coast Guard with distributing the form, which would be completed and returned to the Coast Guard. The bill would require the department to enter into an agreement with the Coast Guard to obtain information from the completed forms, as appropriate.

The bill would require operators of all vessels that have the capacity to take on or discharge ballast water to complete and return the form as a condition of using the waters of this state.

The bill would extend the above repeal date to January 1, 2000. Since a violation of these provisions is an infraction under existing law, the bill would impose a state-mandated local program by modifying and continuing in existence until January 1, 2000, a crime that would otherwise be repealed.

(2) 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 this bill would continue the above-described existing duties imposed on the department during the extended operation of those provisions, the bill would make an appropriation.

(3) 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.

Appropriation: yes.

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

SECTION 1. Section 6433 of the Fish and Game Code is amended to read:

6433. The department shall adopt a ballast water control report form, consistent with the form developed by the United States Coast Guard, to monitor compliance with the guidelines and shall assist the Coast Guard in distributing these forms to vessels. The director shall enter into an agreement with the Coast Guard to obtain information from the completed forms, as appropriate.

SEC. 2. Section 6434 of the Fish and Game Code is amended to read:

6434. As a condition for the use of the waters of this state, the operators of all vessels that have the capacity to take on or discharge ballast water shall complete and return a ballast water control report form, as adopted by the department, in accordance with instructions provided with the form.

SEC. 3. Section 6439 of the Fish and Game Code is amended to read:

6439. This article shall remain in effect only until January 1, 2000, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2000, deletes or extends that date.

SEC. 2. 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.

