

Assembly Bill No. 1052

Passed the Assembly September 3, 2009

Chief Clerk of the Assembly

Passed the Senate September 1, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 7361 of, to amend, renumber, and add Section 7362 of, to add Section 7364 to, and to repeal Sections 7360 and 7363 of, the Fish and Game Code, relating to sport fishing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1052, Caballero. Bay-Delta Sport Fishing Enhancement Stamp.

Existing law prohibits a person from sport fishing in the tidal waters of the San Francisco Bay Delta and the main stem of the Sacramento and San Joaquin Rivers, including major tributaries, below the most downstream dam, unless he or she first obtains a Bay-Delta Sport Fishing Enhancement Stamp or validation and affixes that stamp or validation to a valid sport fishing license. Existing law requires the Department of Fish and Game or an authorized license agent to issue a Bay-Delta Sport Fishing Enhancement Stamp or validation upon payment of a prescribed fee. Existing law requires the funds generated by the imposition of these fees to be deposited in a separate account in the Fish and Game Preservation Fund, to be used solely for the long-term, sustainable benefit of the primary Bay-Delta sport fisheries, as specified. Existing law requires the director to appoint a 9 member Bay-Delta Sport Fishing Enhancement Stamp Fund Advisory Committee to recommend to the department projects and budgets for the expenditure of fee revenue. Those provisions are repealed as of January 1, 2010.

This bill would repeal the requirement to obtain a Bay-Delta Sport Fishing Enhancement Stamp or validation. The bill would continue indefinitely the Bay-Delta Sport Fishing Enhancement Stamp Advisory Committee, and would require the department to implement various provisions related to expenditures from the account. The bill would require the department, in consultation with the advisory committee, to develop a grant program, as prescribed. The department would be required to post on its Internet Web site projects undertaken with funds from the account.

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

SECTION 1. Section 7360 of the Fish and Game Code is repealed.

SEC. 2. Section 7361 of the Fish and Game Code is amended to read:

7361. (a) Fees received by the department from the sale of the Bay-Delta Sport Fishing Enhancement Stamp or validation shall be deposited in a separate account in the Fish and Game Preservation Fund. The Bay-Delta Sport Fishing Enhancement Stamp or validation shall not be required, and no fee shall be collected, as of January 1, 2010.

(b) The department shall expend the funds in that account for the long-term, sustainable benefit of the primary Bay-Delta sport fisheries, including, but not limited to, striped bass, sturgeon, black bass, halibut, salmon, surf perch, steelhead trout, and American shad. Funds shall be expended to benefit sport fish populations, sport fishing opportunities, and anglers within the tidal waters of the San Francisco Bay Delta and the main stem of the Sacramento and San Joaquin Rivers, including major tributaries, below the most downstream dam, and consistent with the requirements of the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) and the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3), the ecosystem restoration component of the CALFED Programmatic Record of Decision dated August 28, 2000, and applicable commission policies.

(c) It is the intent of the Legislature that these funds be used to augment, not replace, funding that would otherwise be allocated to Bay-Delta sport fisheries from the sale of fishing licenses, the California Bay-Delta Authority, or other federal, state, or local funding sources.

SEC. 3. Section 7362 of the Fish and Game Code, as amended by Section 1 of Chapter 637 of the Statutes of 2008, is amended and renumbered to read:

7363. (a) The director shall appoint a Bay-Delta Sport Fishing Enhancement Stamp Fund Advisory Committee, consisting of nine members. The committee members shall be selected from names of persons submitted by anglers and associations representing Bay-Delta anglers of this state and shall serve at the discretion of

the director for terms of not more than four years. The director shall appoint persons to the committee who possess experience in subjects with specific value to the committee and shall attempt to balance the perspective of different anglers.

(b) The advisory committee shall recommend to the department projects and budgets for the expenditure of the funds from the account established in Section 7361. The department shall give full consideration to the committee's recommendations.

(c) The department shall submit to the advisory committee and the Chief Clerk of the Assembly and the Secretary of the Senate for distribution to the appropriate fiscal and policy committees of the Legislature, at least annually, on or before January 10 of each year, an accounting of funds derived from the Bay-Delta Sport Fishing Enhancement Stamps and validations, including the funds generated and expended and administrative expenditures, and the status of programs funded pursuant to this article. In addition, the department shall report, at least annually, to the committee on the status of projects undertaken with funds from that stamp or validation, including reporting the department's reasoning in cases where committee recommendations are not followed.

(d) The department shall post on its Internet Web site projects undertaken with funds from the account established in Section 7361. At a minimum, the Internet Web site shall list the project title, applicant, a brief description of the project, the amount approved, and the project's status.

SEC. 4. Section 7362 is added to the Fish and Game Code, to read:

7362. (a) The department, in consultation with the advisory committee created pursuant to Section 7363, shall develop a grant program to support activities consistent with Section 7361.

(b) The department, in consultation with the advisory committee, shall develop priority areas for funding under the grant program. The department shall give the advisory committee an opportunity to review any draft public solicitation notice before that notice is finalized and released to the public.

(c) The advisory committee shall assist the department in providing outreach to encourage wide participation in the grant program.

(d) The department shall provide the advisory committee a copy of all grant applications. The advisory committee shall have a

minimum of 30 days to review projects and provide recommendations to the department.

SEC. 5. Section 7363 of the Fish and Game Code is repealed.

SEC. 6. Section 7364 is added to the Fish and Game Code, to read:

7364. (a) The department shall do all of the following:

(1) In consultation with the advisory committee, develop a spending plan that focuses on identifying and funding viable projects and monitoring revenues to assist the department in effectively expending available stamp revenues in a manner consistent with the purposes described in Section 7361. The spending plan shall be completed by January 31, 2010. Upon completion, a copy of the spending plan shall be provided to the Legislature.

(2) Track and report the costs of projects funded pursuant to this article by doing both of the following:

(A) Improve the tracking of individual project expenditures by assigning a separate account to each project within the department's accounting system.

(B) Require a project manager to approve all expenditures directly related to the manager's projects, periodically reconcile records for each project with accounting records, and report expenditures to staff responsible for preparing advisory committee reports.

(3) Reimburse the department's general fund appropriation for any lease payment charged to the department's general fund appropriation on or before January 1, 2010, that was eligible to be paid from the account established in Section 7361.

(4) Ensure that employees of the department appropriately charge their time to projects funded pursuant to this article by providing guidelines to employees concerning when to charge activities to the account established in Section 7361.

(b) The department shall not charge payroll costs to the account established in Section 7361 for employee activities that are not related to the implementation of this article. The department shall determine whether any other expenditure has been inappropriately charged to the account established in Section 7361 and shall make all necessary accounting adjustments.

Approved _____, 2009

Governor