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SECRETARY OF STATE SEPTEMBER 30, 2008

APPROVED BY GOVERNOR SEPTEMBER 30, 2008

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INTRODUCED BY Assembly Member Mullin

FEBRUARY 20, 2008

An act to amend Sections 7362 and 7363 of the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

AB 2162, Mullin. Bay-Delta Sport Fishing.

(1) Existing law, until January 1, 2009, 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 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.

This bill would extend these provisions to January 1, 2010. Because a violation of these provisions is a misdemeanor under existing law, the bill would impose a state-mandated local program by extending a crime that otherwise would be repealed.

(2) Existing law establishes a Bay-Delta Sport Fishing Enhancement Stamp Fund Advisory Committee and requires the Department of Fish and Game to submit to the advisory committee, at least annually, an accounting of funds derived from the Bay-Delta Sport Fishing Enhancement Stamps and validations. This bill, instead, would require the department to submit, at least annually, and on or before January 10 of each year, that accounting of funds to the advisory committee, and to the Chief Clerk of the Assembly and the Secretary of the Senate for distribution to the fiscal and policy committees of the Legislature.

(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.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 7362 of the Fish and Game Code is amended to read:
7362. (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 revenue received pursuant to Section 7360. 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 number of stamps and validations sold, funds generated and expended, 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.

SEC. 2. Section 7363 of the Fish and Game Code is amended to read:

7363. This article shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2010, deletes or extends that date.

SEC. 3. 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.