ASSEMBLY BILL No. 2443

Introduced by Assembly Member Williams

February 24, 2012

An act to add Article 1.3 (commencing with Section 675) to Chapter 5 of Division 3 of the Harbors and Navigation Code, relating to vessels.

LEGISLATIVE COUNSEL’S DIGEST

AB 2443, as amended, Williams. Vessels: registration fee: Quagga and Zebra Mussel Infestation Prevention Program.

Existing law establishes various programs administered by, among other agencies, the Department of Fish and Game and the State Lands Commission, to prevent aquatic invasive species introduction and manage the spread and impacts of aquatic invasive species in state waters. Existing law prohibits, except as authorized by the Department of Fish and Game, a person from possessing, importing, shipping, or transporting in the state, or from placing, planting, or causing to be placed or planted in any water within the state, dreissenid mussels, which are regulated by the department as an invasive species.

Existing law requires the owner of a vessel, as described, to register the vessel with the Department of Boating and Waterways (department), in accordance with prescribed requirements. Existing law establishes a registration fee for vessels and applies certain fee increases to that registration fee.

This bill would impose an additional fee in an unspecified amount not to exceed $10, as determined by the department, on a vessel required
to pay that registration fee. The bill would require the department, in determining the fee, to consult with a technical advisory group, which would be established by the department. The bill would require funds from the fee to be used to implement and administer a dreissenid mussel monitoring, inspection, and eradication program, as prescribed. The bill would require the department to adopt an emergency regulation to prescribe procedures for the collection and use of the fee.


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

SECTION 1. The Legislature finds and declares all of the following:
(a) Quagga and zebra mussels, nonnative dreissenid mussels introduced in the United States from Europe in 1988, pose an immediate and significant threat to California’s water supply, flood control, power generation, and aquatic recreation infrastructure. Once established in a body of freshwater, quagga and zebra mussels latch onto pipes, valves, screens, irrigation canals, and gates, often in quantities that severely impede the movement of water and the necessary operation of other critical water management infrastructure.
(b) Quagga and zebra mussel infestation poses tremendous financial burdens on local governments and local economies. Between 2000 and 2010, widespread zebra mussel infestation of the Great Lakes region resulted in over $5 billion in economic impacts. Were it to become infested, California’s Lake Tahoe alone would likely incur economic impacts of over $20 million annually.
(c) Quagga and zebra mussel infestations have been identified in 25 bodies of freshwater in California, most within the southern California region. These infestations threaten additional water management and recreational facilities throughout southern California as well as facilities across the state. Facilities threatened with infestation include, but are not limited to, agricultural water management infrastructure in the central valley, drinking water facilities in the central coast and north coast regions, power generation infrastructure in the Sierra Nevada, and flood control facilities throughout California’s watersheds.
(d) Existing law prohibits the possession, importation, shipment, transportation, planting, or placement of quagga and zebra mussels in any water within the state.

(e) An urgency exists due to the tremendous water management impacts and state and local government costs associated with quagga and zebra mussel infestation.

(f) The fees required by Article 1.3 (commencing with Section 675) of Chapter 5 of Division 3 of the Harbors and Navigation Code as determined by the Department of Boating and Waterways are solely for the reasonable regulatory costs incident to performing investigations and inspections necessary to prevent and control the infestation of California waters by quagga and zebra mussels.

(g) It is therefore the intent of the Legislature that fees required by Article 1.3 (commencing with Section 675) of Chapter 5 of Division 3 of the Harbors and Navigation Code, as determined by the Department of Boating and Waterways shall not exceed the cumulative reasonable regulatory costs incident to performing investigations and inspections necessary to prevent quagga and zebra mussel infestation.

SEC. 2. Article 1.3 (commencing with Section 675) is added to Chapter 5 of Division 3 of the Harbors and Navigation Code, to read:

Article 1.3. Quagga and Zebra Mussel Infestation Prevention Fee

675. (a) In addition to the fees imposed pursuant to paragraphs (1) and (2) of subdivision (b) of Section 9853 of the Vehicle Code, there shall also be imposed an additional quagga and zebra mussel infestation prevention fee in an amount of $____ dollars ($____) not more than ten dollars ($10), as determined by the department, which shall be imposed annually on every vessel subject to the fees imposed by Section 9853.

(1) In determining the amount of the fee imposed pursuant to this subdivision, the department shall establish, and consult with, a technical advisory group consisting of interested persons, including, but not limited to, recreation boating and reservoir operation representatives. The members of the advisory group shall be appointed by the director.
The department shall adopt an emergency regulation to prescribe procedures for the collection and use of the quagga and zebra mussel infestation prevention fee for the purposes of this article. The Legislature finds and declares that a fee of not more than ____ dollars ($____) is a reasonable amount for the necessary quagga and zebra mussel infestation prevention activities of state and local public entities.

In determining the amount of the fee imposed pursuant to subdivision (a), the department shall establish a technical advisory group, comprised of interested persons, including, but not limited to, recreational boating and reservoir operation representatives. The members of the technical advisory committee shall be appointed by the director.

(b) All revenues collected from the fee shall be deposited into the Quagga and Zebra Mussel Infestation Prevention Account established pursuant to Section 676, and shall be expended solely for the purposes set forth in that section.

(c) The fee established by this section shall not apply to vessels that are used exclusively in marine waters.

676. (a) The Quagga and Zebra Mussel Infestation Prevention Account is hereby established in the General Fund. All moneys deposited in the account shall be used solely for the purposes of this section. Funds from the account shall be available, upon appropriation by the Legislature, to the department for grants according to the following schedule:

(1) An amount of ____ percent of the total revenues deposited into the account established pursuant to this subdivision shall be made available for grants to special districts, cities, counties, and city and county governments, and joint powers authorities for the reasonable regulatory costs incident to the implementation of an adopted dreissenid mussel infestation prevention plan that is consistent with the requirements of Section 2302 of the Fish and Game Code.

(2) An amount of ____ percent of the total revenues established pursuant to this subdivision deposited into the account shall be made available to the Department of Fish and Game for reasonable regulatory costs incident to the implementation of subdivision (a) of Section 2301 of the Fish and Game Code in those areas of the state where a dreissenid mussel infestation prevention plan has not been adopted.
(b) For the purposes of awarding grants pursuant to paragraph (1) of subdivision (a), the department shall give priority to adopted dreissenid mussel infestation prevention plans that are consistent with Section 2302 of the Fish and Game Code and that also include visual and manual inspection standards and other infestation prevention procedures consistent with either the Department of Fish and Game’s Invasive Mussel Guidebook for Recreational Water Managers and Users, dated September 2010, or the Natural Resource Agency’s Aquatic Invasive Species Management Plan, dated January 2008, or subsequently adopted guidebooks and management plans.

(c) For purposes of this article, reasonable regulatory costs include costs associated with the investigation and inspection of a conveyance for the presence of dreissenid mussels prior to contact with a reservoir, as defined in Section 6004.5 of the Water Code. None of the revenues deposited in the account established by subdivision (a) shall be used for any purpose other than those explicitly authorized by this section.

(d) For the purposes of this section, conveyances include boats and other watercraft, and associated vehicles, containers, and trailers that may carry or contain adult or larval dreissenid mussels.