

## PROPOSED REGULATORY TEXT

### TITLE 2. ADMINISTRATION DIVISION 3. STATE PROPERTY OPERATIONS CHAPTER 1. STATE LANDS COMMISSION ARTICLE 4.5. MARINE INVASIVE SPECIES CONTROL FUND FEE

Staff has illustrated changes to the original text in the following manner:

- Originally proposed language is underlined; deletions from the original text are shown in strikeout using a “-”.
- Modified proposed additions after comment consideration are double underlined; modified proposed deletions after comment consideration are shown in double strikethrough.

#### **Section 2270. Definitions**

For purposes of this Article, the following definitions apply.

- (a) “Voyage” means any transit by a vessel destined for a California port from a port outside of the coastal waters of the state.
- (b) “Waters of the state” means any surface waters, including saline waters, that are within the boundaries of the state.

Authority cited: Section 71215(b), Public Resources Code.

Reference cited: Sections 71200(o), 71200(r) and 71215, Public Resources Code.

#### **Section 2271. Fee Schedule for Marine Invasive Species Control Fund**

- (a) The Fee required under Public Resources Code Section 71215 is one thousand two hundred twenty-five dollars (\$1,225)1000 per vessel voyage. ~~The fee shall adjust automatically for inflation on July 1, 2031, and on July 1 every five years thereafter, per the difference between the United States Bureau of Labor Statistics' Consumer Price Index for All Urban Consumers on the October prior to the automatic adjustment and the October five years prior.~~
- (b) The Commission may establish lower levels of fees and the maximum amount of fees for individual shipping companies or vessels. Any fee

schedule established, including the level of the fees and the maximum amount of fees, shall take into account the impact of the fees on vessels operating from California in the Hawaii or Alaska trades, the frequency of calls by particular vessels to California ports within a year, the ballast water and biofouling management practices of the vessels, and other relevant considerations.

- (c) The fee shall be collected from the owner or operator of each vessel that arrives at a California port or place from a port or place outside of California. That fee may not be assessed on any vessel arriving at a California port or place if that vessel comes directly from another California port or place and during that transit has not first arrived at a port or place outside California or moved outside the EEZ prior to arrival at the subsequent California port or place.
- (d)
  - (1) The Executive Officer of the California State Lands Commission shall invite representatives of persons and entities who must pay the fee required under Public Resource Code Section 71215 to participate in a technical advisory group to make recommendations regarding the amount of the fee, taking into account the provisions of Public Resources Code Sections 71200 through 71216.
  - (2) The technical advisory group shall meet on a regular basis after July 1, 2000, as determined by the group.

Authority cited: Section 71215(b), Public Resources Code.

Reference cited: Sections 71200 and 71215, Public Resources Code.