

Title 2, Division 3, Chapter 1
Article 4.5. Marine Invasive Species Control Fund Fee

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Section 2271. Fee Schedule for Marine Invasive Species Control Fund

(a) (1) Base and Annual Qualifying Voyage Fee. For the first 12-month period of this regulation commencing on or about April 1, 2008, the Base Fee fee required under Public Resources Code Section 71215 is ~~four~~ six hundred twenty five dollars (~~\$625~~) (\$400) per vessel voyage. After the first 12-month period of this regulation, the owner or operator of a vessel shall pay an amount per qualifying voyage, called the "Annual Qualifying Voyage Fee", which is determined in accordance with subsection (b) entitled "Annual Qualifying Voyage Fee Adjustment Formula", of this section.

(2) The Commission may elect to establish a new Base Fee. The new Base Fee shall be established through an assessment of the Fund condition, the number of vessel voyages, and changes in expenditures as a result of legislative changes, and in consultation with the technical advisory panel described in Subsection(e)(1) and (2). The new Base Fee shall thereafter be used to establish the Annual Qualifying Voyage Fee for subsequent years, through application of the provisions of Subsection (b)(1), (2) and (3) of this division unless and until a new Base Fee is established.

(b) Annual Qualifying Voyage Fee Adjustment Formula

(1) The following formula, hereafter called the "Adjustment Formula," shall be used to determine the adjusted Annual Qualifying Voyage Fee:

$$\left[\frac{\text{Current CPI} - \text{Prior CPI}}{\text{Prior CPI}} + 1 \right] \times \text{Previous Year's Fee} = \text{Adjusted Annual Qualifying Voyage Fee}$$

(2) For the purposes of this division, "CPI" means the value indicated for each specified month in the U.S. Department of Labor, Bureau of Labor Statistics "CPI Detailed Report" published regularly, with reference to the numeric reported indexes for a specified month of such year. Consumer Price Index for All Urban Consumers, West Region (1982-84 = 100), CUUR0400SAO or its successor index. The December CPI value for All Urban Consumers, West Region will be used in the fee adjustment formula.

(3) Except as otherwise provided in this Subsection (b), the Annual Qualifying Voyage Fee shall be adjusted annually as of the first of April of each year regardless of whether application of the Adjustment Formula results in an Adjusted Annual Qualifying Voyage Fee which is greater or lesser than the

Previous Year's Fee, but the Adjusted Annual Qualifying Voyage Fee will never be lower than the Base Fee.

(4) On or about the 15th day of January of each year, Commission staff shall perform the calculation and publish on the Commission's web site, the amount of the Annual Qualifying Voyage Fee as recalculated each year.

~~(b)~~(c) 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 practices of the vessels, and other relevant considerations.

~~(e)~~(d) 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)~~ (e) (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 Resources 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: Public Resources Code Section 71215(b)

Reference: Public Resources Code Sections 71200 and 71215