

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: May 19, 2011
POSITION: Neutral, note concerns

BILL NUMBER: AB 376
AUTHOR: P. Fong

BILL SUMMARY: Shark Fins

Existing law prohibits possession of any bird, mammal, fish, reptile, or amphibian taken in violation of the provisions of the Fish and Game Code. This bill would make it unlawful for any person to possess, sell, trade, or distribute a shark fin. The bill would allow restaurants that posses shark fin prior to January 1, 2012, to offer the fin for consumption by January 1, 2013.

FISCAL SUMMARY

The Department of Fish and Game (DFG) is unable to estimate the number of law enforcement incidents that would result from banning the possession of shark fins. However, DFG estimates a cost of \$150 to \$2,000 per investigation of potential local markets that may supply shark fins, and a cost of \$30,000 to \$150,000 per investigation for potential recreational fishing groups that supply shark fins. To the extent that a budget augmentation to support additional DFG wardens and other enforcement resources is not provided, DFG would need to prioritize the ban on shark fins within its existing resources that are currently dedicated to the enforcement of other laws and regulations.

Under Section 6(b) of Article XIII B of the California Constitution, any costs to a unit of local government which result from legislation defining a new crime or changing an existing definition of a crime are not reimbursable by the state. In addition, Section 17556(g) of the Government Code provides that the Commission on State Mandates shall not find a reimbursable mandate in such legislation which eliminated a crime or changed the penalty for a crime. Therefore, any local government costs resulting from the mandate in this measure would not be state-reimbursable, because the mandate only involves the definition of a crime.

COMMENTS

Finance is neutral on this bill. However, we are concerned that this bill would expand the number of laws and regulations that DFG wardens are responsible for enforcing. Without additional funding, DFG's enforcement of the shark fin ban could come at the expense of enforcing of other laws and regulations.

It is widely believed that sharks are critical to the health and balance of the ocean ecosystem and that their extinction would adversely affect the biodiversity of the oceans of the world. Demand for shark fin drives overfishing of sharks and has contributed significantly to recent shark population declines. Some species have been depleted by as much as 90 percent and over one-third of shark species are threatened. According to the National Oceanic and Atmospheric Association, most sharks are vulnerable to overfishing because they have long life spans, take many years to mature, and only have a few young at a time. Consequently, recovery from overfishing can take years or decades for many shark species.

We note that Chapter 371, Statutes of 1995 (SB 458, Beverly) made it unlawful to sell, purchase, possess or deliver for commercial purposes on any commercial fishing vessel any shark fin or tail that has been removed from the carcass. This bill would apply these restrictions to individuals. However, the bill would allow shark fin possession consistent with specified licenses or permits.

Analyst/Principal Date Program Budget Manager Date
(0634) M. Almy Karen Finn

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

**BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**

**AUTHOR**

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Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2011-2012	FC	2012-2013	FC	2013-2014	
3600/Dept FishGam	SO	No		-----	See Fiscal Summary	-----			0200
<u>Fund Code</u>	<u>Title</u>								
0200	Fish and Game Preservation Fund								