

Memorandum 2019-37

California Salmon Marketing and Development Act

At its April meeting the Commission¹ considered Memorandum 2019-19, which discussed possibly obsolete material in the California Salmon Marketing and Development Act. That material addressed a proposed expansion of the Salmon Council's membership and funding, to include salmon handlers at the same level as salmon fishermen. It included a referendum process to be used in securing the assent of salmon handlers, which was a precondition for the operation of the new law. The referendum failed. As a result, the handler-related provisions are inoperative.

However, the memorandum mentioned the possibility that those inoperative provisions might have some continuing practical utility. If the Legislature and Governor were to decide to make another attempt at a referendum, most of the necessary law would already be in place.

In response to the memorandum, the Commission made the following decision:

The Commission directed the staff to make inquiries with interested administrative and legislative staff as to whether deletion of the obsolete provisions would be problematic. The staff will report the results of those inquiries to the Commission.²

One of the Commission's law student externs, Alexxis Frost, contacted staff at the Salmon Council. She was told that there would likely be another attempt to obtain the necessary assent of the salmon handlers. They believe that the failure of the first attempt was related to drought conditions that had put a strain on the salmon population and industry.

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. Minutes (April 2019), pp. 9-10.

Now that the drought has eased, they believe it might be time for a second referendum. If so, the language that would govern the process is not truly obsolete and should not be repealed.

In light of that input, the staff recommends that the matter be shelved without any further study or a final recommendation.

Respectfully submitted,

Brian Hebert
Executive Director