

**ASSEMBLY BILL**

**No. 3245**

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**Introduced by Assembly Member Bordonaro**

February 23, 1996

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An act to amend Sections 355, 1052, 3031, 6596, 7120, 7652, 7852, 7881, 7921, 8100, 8231, 8233, 8254, 8275, 8280.1, 8280.2, 8300.1, 8394, 8396, 8397, 8500, 8561, 8567, 8597, 8598, 8598.3, 8842, 9001, 9001.5, 9001.6, 9006, and 9054 of, to add Sections 316.5, 7601, 7857, and 7858 to, and to repeal Section 8300.1 of, the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 3245, as introduced, Bordonaro. Fish and game.

(1) Under existing law, the Fish and Game Commission is authorized to adopt regulations to conform California laws relating to the taking or possession of Pacific halibut and migratory birds to specified federal laws, and the Director of Fish and Game is authorized to adopt regulations suspending California laws relating to commercial fishing for one year to conform them to certain federal fishery management plans.

This bill would authorize the commission to adopt regulations to conform California laws relating to the taking or possession of salmon to federal law, and would delete the one-year limitation on those regulations adopted by the director. The bill would exempt the regulations adopted by the director from the Administrative Procedure Act.

(2) Under existing law, transferring any license, license tag, license stamp, permit, application, or reservation or

predating and postdating any license, license tag, or permit is a misdemeanor. Existing law also provides the valid period for certain commercial fishing licenses and permits and commercial boat registration.

This bill would expressly make the prohibition on predating or postdating licenses, license tags, or permits inapplicable to the date of a single-day nonresident sportfishing license and a single-day sport ocean fin fishing license. The bill would exclude the single-day fishing licenses from the requirement for an ocean enhancement stamp to take fish from ocean waters south of Point Arguello for purposes other than for profit. This bill would make commercial licenses and permits to take, possess, or land fish for commercial purposes, except certain commercial fish business licenses, valid from April 1 to March 30 of the next following year. The bill would also provide other general conditions applicable to commercial licenses and permits, other than fish business licenses, including conditions prohibiting the transfer and providing for the revocation of the commercial license or permit.

Because existing law would make a violation of the conditions a crime, the bill would thereby impose a state-mandated local program by creating and changing the definition of a crime.

(3) Under existing law, the hunting license fee for a resident of this state under the age of 16 years is \$4, as adjusted, and the fee for a hunting license for any nonresident is \$59, as adjusted.

This bill would make the fee for a hunting license for a nonresident under the age of 16 years \$4, as adjusted.

(4) Under existing law, it is a misdemeanor to possess more than one daily bag limit of any fish taken under a license to take fish for purposes other than for profit, as specified.

This bill would exempt possession authorized by certain regulations adopted by the commission.

(5) Under existing law, the owner of a vessel is defined for purposes of certain commercial fishing laws.

This bill would define “owner” and “vessel owner” for purposes of commercial fishing laws generally.



(6) Existing law prohibits taking or possessing certain fish for commercial purposes, including brown smoothhound sharks.

This bill would limit that prohibition to brown smoothhound sharks that are less than 18 inches in a whole condition or dressed with head and tail removed.

(7) Existing law, generally, authorizes taking of finfish for commercial purposes with traps pursuant to a finfish trap permit. Existing law authorizes taking of hagfish for commercial purposes under a hagfish permit, limits that taking to taking with traps, and excludes the taking of hagfish from the general trap permit.

This bill would conform the general finfish trap provisions to exclude taking of a hagfish under a hagfish permit from its requirements and, additionally, would limit the use of Korean traps, as defined, to the taking of hagfish. Because existing law would make a violation of the trap limitation a crime, the bill would impose a state-mandated local program.

(8) Existing law continuously appropriates the money in the Fish and Game Preservation Fund to the Department of Fish and Game and the commission to carry out the Fish and Game Code.

Because this bill would impose new duties on the department and the commission, the bill would make an appropriation.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 316.5 is added to the Fish and  
2 Game Code, to read:

3 316.5. The commission may prohibit the taking or  
4 possessing of salmon in the same manner as the taking or



1 possessing of salmon is prohibited by federal law or by  
2 rules or regulations adopted by the Pacific Fisheries  
3 Management Council, notwithstanding any other  
4 provision of this code.

5 SEC. 2. Section 355 of the Fish and Game Code is  
6 amended to read:

7 355. The commission may, annually, ~~promulgate~~  
8 *adopt* regulations pertaining to migratory birds to  
9 conform with or to further restrict the rules and  
10 regulations prescribed pursuant to the Migratory Bird  
11 Treaty Act.

12 Regulations adopted under this section are not subject  
13 to Sections 11343.4, 11346.1, 11346.4, and 11346.8 of the  
14 Government Code.

15 Every regulation of the commission ~~made~~ *adopted*  
16 pursuant to this article shall be filed with the Secretary of  
17 State, and shall become effective upon filing unless  
18 otherwise specified in the regulations.

19 SEC. 3. Section 1052 of the Fish and Game Code is  
20 amended to read:

21 1052. It is unlawful for any person to do any of the  
22 following:

23 (a) Transfer any license, license tag, license stamp,  
24 permit, application, or reservation.

25 (b) Use, or possess any license, license tag, license  
26 stamp, permit, application, or reservation ~~which~~ *that* was  
27 not lawfully issued to the user thereof or ~~which~~ *that* was  
28 obtained by fraud, deceit, or the use of a fake or  
29 counterfeit application form.

30 (c) Use or possess any fake or counterfeit license,  
31 license tag, license stamp, permit, permit application  
32 form, band, or seal, made or used for the purpose of  
33 evading any of the provisions of this code, or regulations  
34 adopted pursuant thereto.

35 (d) Predate or postdate any license, license tag, or  
36 permit. *This subdivision does not apply to the effective*  
37 *date of a license issued pursuant to paragraph (4) of*  
38 *subdivision (a) of Section 7149 or subdivision (c) of*  
39 *Section 7149.*



1 (e) Alter, mutilate, deface, duplicate, or counterfeit  
2 any license, license tag, permit, permit application form,  
3 band, or seal, or entries thereon, to evade the provisions  
4 of this code, or any regulations adopted *pursuant* thereto.

5 SEC. 4. Section 3031 of the Fish and Game Code is  
6 amended to read:

7 3031. (a) A hunting license, granting the privilege to  
8 take birds and mammals, shall be issued *to any of the*  
9 *following*:

10 (1) ~~To any~~ A resident of this state, over the age of 16  
11 years, upon the payment of a base fee of seventeen dollars  
12 (\$17), as adjusted under Section 713.

13 (2) ~~To any resident of this state,~~ A person under the  
14 age of 16 years, upon the payment of a base fee of four  
15 dollars (\$4), as adjusted under Section 713.

16 (3) ~~To any~~ A person not a resident of this state, *over*  
17 *the age of 16 years*, upon the payment of a base fee of  
18 fifty-nine dollars (\$59), as adjusted under Section 713.

19 (4) ~~To any~~ A person not a resident of this state, valid  
20 for one day and only for the taking of domesticated game  
21 birds and pheasants while on the premises of a licensed  
22 pheasant club, or for the taking of domesticated  
23 migratory game birds on areas licensed for shooting those  
24 birds, upon the payment of a base fee of eight dollars (\$8),  
25 as adjusted under Section 713.

26 (5) ~~To any~~ A person not a resident of this state, valid  
27 only at an organizational field trial under Section 3510,  
28 upon the payment of a base fee of fifteen dollars (\$15), as  
29 adjusted under Section 713.

30 (b) The adjustment of the base fees under Section 713  
31 which are specified in ~~subdivisions (a) to (d)~~ *paragraphs*  
32 *(1) to (5)*, inclusive, of ~~this section,~~ shall be *subdivision*  
33 *(a)* are applicable to the hunting license years beginning  
34 on and after July 1, 1988.

35 ~~(c) This section shall become operative on July 1, 1987.~~

36 SEC. 5. Section 6596 of the Fish and Game Code is  
37 amended to read:

38 6596. (a) In addition to a valid California fishing  
39 license issued pursuant to Section 7149 and any *other*  
40 applicable license stamp issued pursuant to this code, a



1 person taking fish from ocean waters south of a line  
 2 extending due west from Point Arguello for ~~sport~~  
 3 purposes *other than for profit* shall have permanently  
 4 affixed to his or her *annual sportfishing or sport ocean*  
 5 fishing license an ocean fishing enhancement stamp. A  
 6 license stamp issued under this subdivision shall be issued  
 7 for the following fees:

8 (1) ~~A stamp for an annual sportfishing or sport ocean~~  
 9 ~~fishing license~~, a fee of two dollars and fifty cents (\$2.50).

10 (2) ~~A stamp for each single day sportfishing or sport~~  
 11 ~~ocean fin fishing license~~, a fee of fifty cents (\$0.50).

12 (b) In addition to a valid California commercial  
 13 passenger fishing boat license issued pursuant to Section  
 14 7920, the owner of any boat or vessel who, for profit,  
 15 permits any person to fish therefrom, south of a line  
 16 extending due west from Point Arguello, shall ~~obtain and~~  
 17 ~~permanently affix~~ *have permanently affixed* to the  
 18 license a commercial ocean fishing enhancement stamp  
 19 which ~~may be obtained from~~ *shall be issued by* the  
 20 department upon payment of a fee of twenty-five dollars  
 21 (\$25).

22 (c) In addition to a valid California commercial fishing  
 23 license issued pursuant to Section 7852, a person who  
 24 lands, or causes to be brought ashore, any white sea bass,  
 25 south of a line extending due west from Point Arguello,  
 26 shall ~~obtain and permanently affix~~ *have permanently*  
 27 *affixed* to ~~the his or her~~ commercial fishing license a  
 28 commercial ocean fishing enhancement stamp which  
 29 ~~may be obtained from~~ *shall be issued by* the department  
 30 upon payment of a fee of twenty-five dollars (\$25).

31 SEC. 6. Section 7120 of the Fish and Game Code is  
 32 amended to read:

33 7120. It is unlawful for any person to possess more  
 34 than one daily bag limit of any fish taken under a ~~sport~~  
 35 ~~fishing~~ license *issued pursuant to Section 7149 unless*  
 36 *authorized by regulations adopted by the commission*  
 37 *pursuant to Section 206.*

38 SEC. 7. Section 7601 is added to the Fish and Game  
 39 Code, to read:



1 7601. "Owner" or "vessel owner" means the person or  
2 persons designated as the registered owner of a vessel on  
3 a certificate of documentation issued by the United States  
4 Coast Guard or on a copy of the vessel registration issued  
5 by the vessel registration agency of the state where the  
6 owner is a resident. For purposes of this section, the vessel  
7 registration agency in California is the Department of  
8 Motor Vehicles.

9 SEC. 8. Section 7652 of the Fish and Game Code is  
10 amended to read:

11 7652. Upon the preparation by the council, and the  
12 recommendation by the council to the secretary, of a  
13 fishery management plan or amendment thereto  
14 pursuant to the act, or upon the approval by the secretary  
15 of a fishery management plan, or amendment thereto,  
16 pursuant to the act, the director may do the following to  
17 conform state law or regulations of the commission to the  
18 fishery management plan, or amendment thereto, if the  
19 director finds that the action is necessary to achieve  
20 optimum yield in California and that it is necessary to  
21 avoid a substantial and adverse effect on the plan by that  
22 state law or the regulations in order to continue state  
23 jurisdiction pursuant to Section 1856 of the act:

24 (a) Adopt regulations that would make inoperative ~~for~~  
25 ~~up to one year~~ any statute or regulation of the  
26 commission, including, but not limited to, statutes or  
27 regulations regulating bag limits, methods of ~~take~~ taking,  
28 and seasons for taking of fish for commercial purposes.

29 Any regulation adopted by the director pursuant to this  
30 subdivision shall specify the particular statute or  
31 regulation of the commission to be inoperative.

32 (b) Adopt regulations ~~effective for up to one year~~  
33 governing phases of the taking of fish for commercial  
34 purposes ~~which~~ *that* are not presently regulated by  
35 statute or regulation of the commission.

36 (c) Adopt regulations ~~effective for up to one year~~  
37 governing phases of the taking of fish for commercial  
38 purposes ~~which~~ *that* are presently regulated by statute or  
39 regulation of the commission, *but* only if the statutes or  
40 regulations are first made inoperative pursuant to

1 subdivision (a) for the effective period of the regulations  
2 adopted by the director *pursuant to this subdivision.*

3 *(d) Chapter 3.5 (commencing with Section 11340) of*  
4 *Division 3 of Title 2 of the Government Code does not*  
5 *apply to this article.*

6 SEC. 9. Section 7852 of the Fish and Game Code is  
7 amended to read:

8 7852. (a) ~~A commercial fishing license is valid from~~  
9 ~~April 1 to March 31 of the year following, or, if issued after~~  
10 ~~the beginning of that term, for the remainder thereof.~~

11 ~~(b)~~ Except as provided in subdivision (a) of Section  
12 7852.3, the department shall issue a commercial fishing  
13 license for a fee of fifty dollars (\$50) for each resident  
14 vessel crewmember.

15 ~~(c)~~

16 (b) The department shall issue a commercial fishing  
17 license for a fee of ninety dollars (\$90) for each resident  
18 vessel operator. Any person who ~~obtains~~ *has* a license  
19 *issued* pursuant to this subdivision *that has not been*  
20 *suspended or revoked* may also serve as a vessel  
21 crewmember. Unless all persons are licensed as  
22 nonresident operators or crewmembers pursuant to  
23 subdivision ~~(d)~~ (c), at least one person aboard each  
24 commercial fishing vessel during any fishing operation  
25 shall ~~possess~~ *have* a commercial fishing license issued  
26 pursuant to this subdivision *that has not been suspended*  
27 *or revoked.*

28 ~~(d)~~

29 (c) The department shall issue a commercial fishing  
30 license for a fee of one hundred fifty dollars (\$150) for a  
31 nonresident vessel crewmember or *nonresident vessel*  
32 operator.

33 ~~(e)~~

34 (d) The commercial fishing license shall be in the  
35 licensee's possession, or immediately available to the  
36 licensee, at all times when engaged in any activity  
37 described in Section 7850 or Article 7 (commencing with  
38 Section 8030) for which a commercial fishing license is  
39 required.



1 SEC. 10. Section 7857 is added to the Fish and Game  
2 Code, to read:

3 7857. Unless otherwise specified, the following  
4 conditions apply to each commercial license or permit  
5 issued to take or land fish for commercial purposes and to  
6 each commercial boat registration issued by the  
7 department, except licenses issued pursuant to Article 7  
8 (commencing with Section 8030):

9 (a) The person to whom a commercial license, other  
10 than a commercial fishing license issued pursuant to  
11 Section 7852, or permit is issued shall have a commercial  
12 fishing license issued pursuant to Section 7852 that is not  
13 revoked or suspended.

14 (b) A commercial license or permit may be suspended  
15 or revoked for a violation of the license or permit  
16 conditions as specified in this code or regulations adopted  
17 pursuant thereto.

18 (c) The person to whom the commercial license or  
19 permit is issued shall be present when fish are being taken  
20 or landed.

21 (d) The commercial license or permit shall be  
22 immediately available for review while fishing activities  
23 are being conducted.

24 (e) Not more than one individual commercial license  
25 or permit of a single type shall be issued to an individual  
26 person and not more than one commercial vessel license  
27 or permit of a single type shall be issued for each vessel.

28 (f) Any landing of fish used to qualify for, or renew, a  
29 commercial license or permit shall be reported on  
30 landing receipts prepared and delivered to the  
31 department pursuant to Article 7.5 (commencing with  
32 Section 8040).

33 (g) In addition to any other requirements in Article 7.5  
34 (commencing with Section 8040), the name of the person  
35 issued the commercial license or permit authorizing the  
36 landing of the fish shall be included on the landing receipt  
37 for that landing.

38 (h) An application for a commercial license or permit  
39 shall be made on a form containing the information the  
40 department may require.



1 (i) Any person who has had a commercial license or  
2 permit suspended or revoked shall not obtain or operate  
3 under any other commercial license or permit of the  
4 same type for that fishery while that suspension or  
5 revocation is in effect.

6 (j) Any person who has had a commercial license or  
7 permit suspended or revoked shall not obtain any other  
8 commercial license or permit of the same type for that  
9 fishery, including, but not limited to, by transfer, lottery,  
10 business partnership, employment, or any other means.

11 (k) Any person who has had a commercial license or  
12 permit suspended or revoked shall not engage in that  
13 fishery, and shall not obtain any other commercial license  
14 or permit that authorizes engaging in that fishery, while  
15 the suspension or revocation is in effect

16 (l) A commercial license or permit is not transferable  
17 unless otherwise expressly specified in this code.

18 (m) Every commercial license, permit, stamp,  
19 commercial boat registration, or other entitlement issued  
20 pursuant to this part, except commercial fish business  
21 licenses issued pursuant to Article 7 (commencing with  
22 Section 8030), is valid from April 1 to March 30 of the next  
23 following calendar year.

24 SEC. 11. Section 7858 is added to the Fish and Game  
25 Code, to read:

26 7858. In addition to the conditions specified in Section  
27 7857, the following conditions apply to a commercial  
28 permit to take, possess, or land fish in a limited entry  
29 fishery, as defined in Section 8100:

30 (a) The permit shall be renewed annually.

31 (b) An appeal for the denial of a late renewal  
32 application or for a waiver of any landing requirements  
33 shall be reviewed and decided by the director. The  
34 decision of the director may be appealed to the  
35 commission.

36 SEC. 12. Section 7881 of the Fish and Game Code is  
37 amended to read:

38 7881. (a) Every person who owns or operates a vessel  
39 in public waters in connection with fishing operations for  
40 profit in this state, or who brings fish into this state, or



1 who, for profit, permits persons to fish therefrom, shall  
2 submit an application for commercial boat registration on  
3 forms provided by the department and shall be issued a  
4 registration number. The application shall contain  
5 information as required by the department for that  
6 vessel.

7 (b) Upon payment of a fee of two hundred dollars  
8 (\$200) and filing of the required application by the  
9 resident owner or operator of the vessel or aircraft, the  
10 department shall issue a commercial boat registration  
11 ~~which is valid for the period from April 1 to March 31 of~~  
12 ~~the following year, or, if issued after the beginning of that~~  
13 ~~term, for the remainder thereof.~~ The *commercial boat*  
14 registration shall be carried aboard the vessel or aircraft  
15 at all times and posted in a conspicuous place.

16 (c) Upon payment of a fee of four hundred dollars  
17 (\$400) and filing of the required statement by the  
18 nonresident owner or operator of the vessel or aircraft,  
19 the department shall issue a commercial boat registration  
20 ~~which is valid for the period from April 1 to March 31 of~~  
21 ~~the year following, or, if issued after the beginning of that~~  
22 ~~term, for the remainder thereof.~~ The *commercial boat*  
23 registration shall be carried aboard the vessel or aircraft  
24 at all times and posted in a conspicuous place.

25 (d) This section does not apply to any ~~boat~~ ~~which~~  
26 *vessel that* is rented without an operator, unless the ~~boat~~  
27 *vessel* is powered with an inboard motor, in which case a  
28 commercial boat registration is required.

29 (e) If a registered vessel is lost, destroyed, or sold, the  
30 owner of the vessel shall immediately report the loss,  
31 destruction, or sale to the department.

32 SEC. 13. Section 7921 of the Fish and Game Code is  
33 amended to read:

34 7921. (a) ~~The~~ *A commercial passenger fishing boat*  
35 license shall be ~~valid during the period from April 1 to~~  
36 ~~March 31 of the year following, or, if issued after the~~  
37 ~~beginning of that term, for the remainder thereof, and~~  
38 *issued* for a fee of two hundred dollars (\$200) ~~shall be~~  
39 ~~issued~~ to the holder of a ~~certificate of~~ *commercial boat*  
40 registration issued pursuant to Section 7881.



1 ~~(b) This section shall become operative on April 1,~~  
2 ~~1995.~~

3 SEC. 14. Section 8100 of the Fish and Game Code is  
4 amended to read:

5 8100. "Limited entry fishery" means a fishery in  
6 which the number of persons who may participate *or the*  
7 *number of vessels that may be used* in taking a specified  
8 species of fish is limited by statute.

9 SEC. 15. Section 8231 of the Fish and Game Code is  
10 amended to read:

11 8231. The following definitions govern the  
12 construction of this article:

13 (a) "Agent" means the person designated in writing  
14 by the owner as the owner's representative.

15 (b) "Appeal" means a request for reconsideration of  
16 an action of the review board, the department, or the  
17 commission pursuant to this article.

18 (c) "Change of ownership" means the transfer of  
19 ownership of a permitted vessel to a new owner.

20 (d) "Commercial salmon vessel permit" means an  
21 annual permit issued by the department to an owner of  
22 a commercial fishing vessel for use of that vessel to take  
23 salmon for commercial purposes and shall not be  
24 considered personal property.

25 (e) "Fishing potential" means the capability and  
26 capacity for harvesting salmon of a particular commercial  
27 fishing vessel. "Fishing potential" includes, but is not  
28 limited to, a rating based upon factors such as size,  
29 seaworthiness, propulsion system, hold size, and hull  
30 design.

31 ~~(f) "Owner" means the person or persons designated~~  
32 ~~as the registered owner of a vessel on a certificate of~~  
33 ~~documentation issued by the United States Coast Guard~~  
34 ~~or on a copy of the vessel registration issued by the vessel~~  
35 ~~registration agency of the state where the owner is a~~  
36 ~~resident. For purposes of this subdivision, in California,~~  
37 ~~the vessel registration agency is the Department of Motor~~  
38 ~~Vehicles.~~

39 ~~(g)~~ "Permit" means a commercial salmon vessel  
40 permit as defined in subdivision (d).



1 ~~(h)~~  
2 (g) “Permitted vessel” means a commercial fishing  
3 vessel for which a permit is currently valid.

4 ~~(i)~~  
5 (h) “Replacement vessel” means a commercial fishing  
6 vessel for the use of which a permit is proposed to be  
7 transferred pursuant to this article.

8 ~~(j)~~  
9 (i) “Review board” means the commercial salmon  
10 fishing review board created pursuant to Section 8247.

11 ~~(k)~~  
12 (j) “Transfer” means the issuance of a permit for use  
13 of a replacement vessel.

14 SEC. 16. Section 8233 of the Fish and Game Code is  
15 amended to read:

16 ~~8233. A permit is valid from April 1 to the next~~  
17 ~~succeeding March 31.~~ Except as otherwise provided in  
18 this article, a permit shall be renewed prior to expiration.  
19 Each permit issued by the department shall display the  
20 expiration date on the face of the permit.

21 SEC. 17. Section 8254 of the Fish and Game Code is  
22 amended to read:

23 8254. (a) Lobsters may not be taken for commercial  
24 purposes except under a ~~revocable, nontransferable~~  
25 *lobster* permit subject to regulations adopted by the  
26 commission.

27 (b) Every person who takes, assists in taking, possesses,  
28 or transports lobsters *for commercial purposes* while on  
29 any boat, barge, or vessel, or who uses or operates or  
30 assists in using or operating any boat, net, trap, line, or  
31 other appliance to take lobsters *for commercial purposes*,  
32 shall have a valid lobster permit issued to that person *that*  
33 *has not been revoked or suspended* and shall have that  
34 permit in his or her possession while engaged in any of  
35 those activities.

36 ~~(c) Lobster permits may be issued annually by the~~  
37 ~~department and shall be valid for the period of the~~  
38 ~~commercial lobster season.~~ The permit fee *for a lobster*  
39 *permit* is two hundred sixty-five dollars (\$265). ~~However,~~  
40 ~~any person who has had a lobster permit revoked may be~~



1 ~~required by the commission to appear before it, and no~~  
 2 ~~new lobster permit may be issued to that person unless~~  
 3 ~~the commission finds that the issuance will be in the best~~  
 4 ~~interests of lobster fishing.~~

5 SEC. 18. Section 8275 of the Fish and Game Code is  
 6 amended to read:

7 8275. Unless the provision or context otherwise  
 8 requires, the definitions in this section govern the  
 9 construction of this article.

10 (a) “Dungeness crab” or “market crab” means crab of  
 11 the species *Cancer magister*.

12 (b) ~~“Owner” means the person or persons designated~~  
 13 ~~as the registered owner of a vessel on a certificate of~~  
 14 ~~documentation issued by the United States Coast Guard~~  
 15 ~~or on a copy of the vessel registration issued by the vessel~~  
 16 ~~registration agency of the state where the owner is a~~  
 17 ~~resident. For purposes of this subdivision, in California,~~  
 18 ~~the vessel registration agency is the Department of Motor~~  
 19 ~~Vehicles.~~

20 (c) ~~“Reconstruction” means major work on the hull of~~  
 21 ~~a vessel to make that vessel operable in the California~~  
 22 ~~crab fishery if that work may reasonably be expected to~~  
 23 ~~be of a duration that will preclude operation of that vessel~~  
 24 ~~in the crab fishery for the length of the crab season or~~  
 25 ~~longer.~~

26 (d) ~~“Rock crab” means any crab of the genus *Cancer*~~  
 27 ~~other than Dungeness crab and includes rock crab~~  
 28 ~~(*Cancer antennarius*), red crab (*Cancer productus*), and~~  
 29 ~~yellow crab (*Cancer anthonyi*).~~

30 (e) ~~“Under construction” means having plans and~~  
 31 ~~materials and proceeding with work toward the~~  
 32 ~~completion of an operational Dungeness crab fishing~~  
 33 ~~vessel.~~

34 SEC. 19. Section 8280.1 of the Fish and Game Code is  
 35 amended to read:

36 8280.1. (a) ~~On or after April 1, 1995, no~~ *No* person  
 37 shall use a vessel to take, possess, or land Dungeness crab  
 38 *for commercial purposes* using Dungeness crab traps  
 39

1 authorized pursuant to Section 9011, unless the owner of  
2 that vessel has ~~been issued~~ a ~~revocable~~ Dungeness crab  
3 vessel permit for that vessel *that has not been suspended*  
4 *or revoked*. ~~A Dungeness crab vessel permit is valid,~~  
5 ~~unless revoked, from April 1 to March 31 of the year~~  
6 ~~following, or, if issued after April 1, for the remainder~~  
7 ~~thereof.~~

8 (b) A Dungeness crab vessel permit may be issued  
9 only to the following persons for use on qualifying vessels:

10 (1) A person ~~licensed~~, *who has a commercial fishing*  
11 *license issued* pursuant to Section ~~7850~~ 7852 or Article 7  
12 (commencing with Section 8030) *that has not been*  
13 *suspended or revoked*, who is the owner of a commercial  
14 fishing vessel that has been registered with the  
15 department pursuant to Section 7881 in each of the  
16 1991-92, 1992-93, and 1993-94 permit years and a  
17 minimum of four landings in each of three Dungeness  
18 crab seasons in the period from November 1, 1984, to  
19 April 1, 1994, have been made from that vessel in this state  
20 as documented by landing receipts delivered to the  
21 department pursuant to Section 8046. This paragraph  
22 includes any person purchasing a vessel qualifying  
23 pursuant to this paragraph.

24 (2) A person ~~licensed~~ *who has a commercial fishing*  
25 *license issued* pursuant to Section ~~7850~~ 7852 or Article 7  
26 (commencing with Section 8030) *that has not been*  
27 *suspended or revoked*, who is the owner of a commercial  
28 fishing vessel that has been registered with the  
29 department pursuant to Section 7881 in each of the  
30 1991-92, 1992-93, and 1993-94 permit years and a  
31 minimum of four landings in one of the Dungeness crab  
32 seasons in the period from November 1, 1984, to April 1,  
33 1994, have been made from that vessel in this state as  
34 documented by landing receipts delivered to the  
35 department pursuant to Section 8046, who the  
36 department finds to have been unable, due to illness or  
37 injury or any other hardship, to make a minimum of four  
38 landings in each of two of the previous three Dungeness  
39 crab seasons, and who, in good faith, intended to



1 participate in the Dungeness crab fishery in those  
2 seasons.

3 (3) A person ~~licensed~~ *who has a commercial fishing*  
4 *license issued pursuant to Section 7850 7852 that has not*  
5 *been suspended or revoked*, who meets the requirements  
6 of Section 8101, and who, notwithstanding Section 8101,  
7 is, at the time of application, the owner of a fishing vessel  
8 that is not equipped for trawling with a net and that has  
9 been registered pursuant to Section 7881 in each of the  
10 1991–92, 1992–93, and 1993–94 permit years. Not more  
11 than one Dungeness crab vessel permit shall be issued to  
12 any person qualifying under Section 8101 and all permits  
13 issued under Section 8101 shall, notwithstanding  
14 paragraph (1) of subdivision (a) of Section 8280.3, be  
15 nontransferable. A person qualifying for a permit under  
16 this paragraph shall have participated in the Dungeness  
17 crab fishery on or before March 31, 1994, as documented  
18 by landing receipts *that were prepared* in that person's  
19 name for not less than four landings of Dungeness crab  
20 taken in a crab trap in a Dungeness crab season and *were*  
21 delivered to the department pursuant to Section 8046. No  
22 person shall be issued a permit under this paragraph if  
23 that person has been issued a permit under any other  
24 provision of this section for another vessel. For purposes  
25 of Section 8101, "participated in the fishery" means made  
26 not less than four landings of Dungeness crab taken by  
27 traps in that person's name in one Dungeness crab season.  
28 The department shall separately identify permits issued  
29 pursuant to this paragraph and those permits shall  
30 become immediately null and void upon the death of the  
31 permittee. The department shall not issue or renew any  
32 permit under this paragraph to a person if the person  
33 failed to meet the participation requirements of four  
34 landings in one season prior to April 1, 1994, or has been  
35 issued a Dungeness crab permit for a vessel under any  
36 other paragraph of this subdivision.

37 (4) A person who has a ~~current~~ *commercial fishing*  
38 *license issued pursuant to Section 7852—(A)—who that has*  
39 *not been suspend or revoked*, who meets one of the  
40 *following conditions:*



1 (A) *The person* held a Dungeness crab permit issued  
2 ~~under~~ pursuant to Section 8280 as it read on April 1, 1994,  
3 and ~~who~~ has participated in the Dungeness crab fishery  
4 between November 1, 1984, and April 1, 1994, and is the  
5 owner of a vessel that has been registered with the  
6 department in each of the 1991–92, 1992–93, and 1993–94  
7 permit years but did not make landings or the  
8 department records do not indicate a minimum of four  
9 landings per season for three Dungeness crab seasons  
10 from that vessel or in that person’s name because of a  
11 partnership or other working arrangement where the  
12 person was working aboard another vessel engaged in the  
13 Dungeness crab fishery in California, ~~(B) who~~.

14 (B) *The person* held a Dungeness crab permit issued  
15 under Section 8280 as it read on April 1, 1994, and ~~who~~ is  
16 the owner of a commercial fishing vessel that has been  
17 registered with the department pursuant to Section 7881  
18 in each of the 1991–92, 1992–93, and 1993–94 permit years  
19 and from which a minimum of four landings utilizing  
20 traps were made in at least one Dungeness crab season in  
21 the period between November 1, 1984, and April 1, 1994,  
22 and from which either four landings were made utilizing  
23 traps or landings in excess of 10,000 pounds were made  
24 utilizing traps in each of two other Dungeness crab  
25 seasons in that same period, as documented by landing  
26 receipts delivered to the department pursuant to Section  
27 8046, ~~or (C) who~~.

28 (C) *The person* held a Dungeness crab vessel permit  
29 issued under Section 8280 as it read on April 1, 1994, or was  
30 an officer in a California corporation that was licensed  
31 pursuant to Article 7 (Commencing with section 8030) as  
32 of April 1, 1994, and began construction or reconstruction  
33 of a vessel on or before January 1, 1992, for the purpose of  
34 engaging in the Dungeness crab fishery, including the  
35 purchase of equipment and gear to engage in that fishery  
36 in California. A person may be issued a permit under this  
37 ~~paragraph~~ *condition* only if the person intended in good  
38 faith to participate in the California Dungeness crab  
39 fishery, ~~and~~ a denial of a permit would create a financial  
40 hardship on that person, and, for purposes of determining



1 financial hardship, the applicant is a nonresident and  
2 cannot participate with his or her vessel or vessels in the  
3 Dungeness crab fishery of another state because of that  
4 state's limited entry or moratorium on the issuance of  
5 permits for the taking of Dungeness crab.

6 (5) A person who has a ~~current~~ *commercial fishing*  
7 license issued pursuant to Section 7852 *that has not been*  
8 *suspended or revoked*, who held a Dungeness crab  
9 permit issued under Section 8280 as it read on April 1,  
10 1994,—~~and~~ who made a minimum of four landings of  
11 Dungeness crab taken by traps in each of three  
12 Dungeness crab seasons in the period from November 1,  
13 1984, to April 1, 1994, in his or her name in this state from  
14 a vessel owned by that person, as documented by landing  
15 receipts delivered to the department pursuant to Section  
16 8046, ~~and~~ who, between April 1, 1991, and January 1, 1995,  
17 purchased, contracted to purchase, or constructed a  
18 vessel, not otherwise qualifying pursuant to paragraph  
19 (1), (2), or (4), ~~and~~ who has continuously owned that  
20 vessel since its purchase or construction, and *who* either  
21 (A) has used that vessel for the take of Dungeness crab  
22 in this state on or before March 31, 1995, as documented  
23 by one or more landing receipts delivered to the  
24 department pursuant to Section 8046, or (B) intended in  
25 good faith, based on evidence that the department and  
26 the review panel may require, including investment in  
27 crab gear, to enter that vessel in this state's Dungeness  
28 crab fishery not later than December 1, 1995. Not more  
29 than one permit may be issued to any one person under  
30 this paragraph.

31 (6) A person who held a Dungeness crab permit issued  
32 under Section 8280 as it read on April 1, 1994, ~~and~~ who  
33 made a minimum of four landings utilizing traps in this  
34 state in each of three Dungeness crab seasons in the  
35 period between November 1, 1984, and April 1, 1994, in  
36 his or her name from a vessel operated by that person as  
37 documented by landing receipts delivered to the  
38 department pursuant to Section 8046, who currently does  
39 not own a vessel in his or her name, and who has not sold  
40 or transferred a vessel otherwise qualifying for a permit



1 under this section, ~~may be issued~~ a. A permit *may be*  
2 *issued under this paragraph* for a vessel not greater in size  
3 than the vessel from which the previous landings were  
4 made, and, in no event, for a vessel of more than 60 feet  
5 overall length, to be placed on a vessel that the person  
6 purchases or contracts for construction on or before April  
7 1, 1996. ~~Permits~~ A *permit* issued under this paragraph  
8 shall be nontransferable and shall not be used for a vessel  
9 not owned by that person, and shall be revoked if the  
10 person (A) fails to renew the permit or annually renew  
11 his or her commercial fishing license *issued* pursuant to  
12 Section 7852 or (B) is or becomes the owner of another  
13 vessel permitted to operate in the Dungeness crab fishery  
14 pursuant to this section.

15 (c) The department may require affidavits offered  
16 under penalty of perjury from persons applying for  
17 permits under subdivision (b) or from witnesses  
18 corroborating the statements of a person applying for a  
19 Dungeness crab vessel permit. Affidavits offered under  
20 penalty of perjury shall be required of an applicant if the  
21 department cannot locate records required to qualify  
22 under subdivision (b).

23 (d) No person shall be issued a Dungeness crab vessel  
24 permit under this section for any vessel or renew any  
25 vessel permit for any vessel under this section unless that  
26 person ~~is currently licensed~~ *has a commercial fishing*  
27 *license issued* pursuant to Section 7852 *that has not been*  
28 *suspended or revoked.*

29 (e) Notwithstanding Section 7852.2 or subdivision (e)  
30 of Section 8280.2, the department may issue a Dungeness  
31 crab vessel permit that has not been applied for by the  
32 application deadline if the department finds that the  
33 failure to apply was a result of a mistake or hardship, as  
34 established by evidence the department may require, the  
35 late application is made not later than October 15, 1995,  
36 and payment is made by the applicant of a late fee of two  
37 hundred fifty dollars (\$250) in addition to all other ~~costs~~  
38 *fees* for the permit.

39 (f) The department may waive the requirement that  
40 a person own a commercial fishing vessel that has been



1 registered with the department pursuant to Section 7881  
2 in each of the 1991–92, 1992–93, and 1993–94 permit years  
3 for one of those required years under this section only if  
4 the vessel was registered and used in the California  
5 Dungeness crab fishery during the registration year  
6 immediately prior to the year for which the waiver is  
7 sought and was registered and used in the California  
8 Dungeness crab fishery after the year for which the  
9 waiver is sought and if the reason for the failure to register  
10 in the year for which the waiver is sought was due to a  
11 death, illness, or injury, or other hardship, as determined  
12 by the review panel, that prevented the vessel from being  
13 registered and operated in the fishery for that  
14 registration year.

15 (g) If any person submits false information for the  
16 purposes of obtaining a Dungeness crab vessel permit  
17 under this section, the department shall revoke that  
18 permit, if issued, revoke the person's commercial fishing  
19 license that was issued pursuant to Section 7850 for a  
20 period of not less than five years, and revoke the  
21 commercial boat registration for a period of not less than  
22 five years of any vessel registered to that person pursuant  
23 to Section 7881 of which that person is the owner.

24 (h) This section shall become inoperative on April 1,  
25 2001, and, as of January 1, 2002, is repealed, unless a later  
26 enacted statute, which becomes effective on or before  
27 January 1, 2002, deletes or extends the dates on which it  
28 becomes inoperative and is repealed.

29 SEC. 20. Section 8280.2 of the Fish and Game Code is  
30 amended to read:

31 8280.2. (a) The owner of a Dungeness crab vessel, for  
32 purposes of this section, may include a person with a bona  
33 fide contract for the purchase of a vessel who otherwise  
34 meets all other qualifications for a Dungeness crab vessel  
35 permit. If a contract is found to be fraudulent or written  
36 or entered into for the purposes of circumventing  
37 qualification criteria for the issuance of a permit, the  
38 applicant shall be permanently ineligible for a Dungeness  
39 crab vessel permit.



1 (b) A Dungeness crab vessel permit shall be issued  
2 only to the person owning the vessel at the time of  
3 application for that permit. No person shall be issued  
4 more than one permit for each vessel owned by that  
5 person and qualifying for a permit pursuant to Section  
6 8280.1.

7 (c) A Dungeness crab vessel permit shall be issued  
8 only to the owner of a vessel taking crab by traps. No  
9 permit shall be issued to the owner of a vessel using trawl  
10 or other nets unless the owner of that vessel qualifies for  
11 a permit pursuant to paragraph (1) of subdivision (b) of  
12 Section 8280.1. No trawl or other net vessel authorized  
13 under this code to take Dungeness crab incidental to the  
14 taking of fish in trawl or other nets shall be required to  
15 possess a Dungeness crab vessel permit.

16 (d) Dungeness crab vessel permits shall not be  
17 combined or otherwise aggregated for the purpose of  
18 replacing smaller vessels in the fishery with a larger  
19 vessel, and a permit shall not be divided or otherwise  
20 separated for the purpose of replacing a vessel in the  
21 fishery with two or more smaller vessels.

22 (e) ~~All~~ *Subject to Section 7852.2, all* applications for  
23 Dungeness crab vessel permits shall be received by the  
24 department or, if mailed, postmarked, by April 30, 1995.  
25 Persons qualifying for a Dungeness crab vessel permit  
26 under paragraph (4) or (5) of subdivision (b) of Section  
27 8280.1 seeking a Dungeness crab vessel permit shall apply  
28 for the permit ~~within 30 days of the effective date of the~~  
29 ~~amendment of this section enacted in the 1995 portion of~~  
30 ~~the 1995-96 Regular Session on or before November 15,~~  
31 ~~1995. Renewals~~ *Notwithstanding Section 7852.2,*  
32 *applications for renewal* of all dungeness crab vessel  
33 permits shall be received by the department, or, if  
34 mailed, postmarked, by April 30 of each year. In order for  
35 a vessel to retain eligibility, a permit shall be obtained  
36 each year subsequent to the initial permit year and the  
37 vessel shall be registered pursuant to Section 7881. No  
38 minimum landings of Dungeness crab shall be required  
39 annually to be eligible for a Dungeness crab vessel  
40 permit.



1 (f) This section shall become inoperative on April 1,  
2 2001, and, as of January 1, 2002, is repealed, unless a later  
3 enacted statute, which becomes effective on or before  
4 January 1, 2002, deletes or extends the dates on which it  
5 becomes inoperative and is repealed.

6 SEC. 21. Section 8300.1 of the Fish and Game Code,  
7 as added by Chapter 1216 of the Statutes of 1992, is  
8 amended to read:

9 8300.1. ~~(a)~~ Abalone shall not be taken for  
10 commercial purposes except under a ~~revocable~~ *an*  
11 abalone diving permit issued by the department ~~under~~  
12 *that has not been suspended or revoked, subject to*  
13 regulations adopted by the commission. The diving  
14 permit fee is three hundred thirty dollars (\$330).

15 SEC. 22. Section 8300.1 of the Fish and Game Code,  
16 as added by Chapter 701 of the Statutes of 1992, is  
17 repealed.

18 8300.1. ~~(a)~~ Abalone ~~shall not be taken for~~  
19 ~~commercial purposes except under a revocable abalone~~  
20 ~~diving permit or crewmember permit issued by the~~  
21 ~~department under regulations adopted by the~~  
22 ~~commission. The diving permit fee is three hundred~~  
23 ~~thirty dollars (\$330). The crewmember permit fee is~~  
24 ~~thirty three dollars (\$33).~~

25 ~~(b) This section shall become operative on April 1,~~  
26 ~~1993.~~

27 SEC. 23. Section 8394 of the Fish and Game Code is  
28 amended to read:

29 8394. Swordfish may be taken only under a ~~revocable,~~  
30 ~~nontransferable~~ permit issued by the department *that*  
31 *has not been revoked or suspended,* subject to ~~such~~  
32 regulations ~~as adopted by the commission shall prescribe.~~

33 SEC. 24. Section 8396 of the Fish and Game Code is  
34 amended to read:

35 8396. (a) The owner or operator of a commercial  
36 fishing vessel and all divers taking sea cucumbers for  
37 commercial purposes shall ~~obtain~~ *have* a revocable sea  
38 cucumber permit *issued to that person that has not been*  
39 *revoked or suspended* and shall be in possession of the  
40 permit when engaged in those activities.



1 (b) To qualify for a permit an applicant shall meet  
2 both of the following criteria:

3 (1) ~~Prove~~ *prove* to the director's satisfaction that the  
4 applicant landed a minimum of 50 pounds of sea  
5 cucumbers during any calendar year, or portion thereof,  
6 from January 1, 1988, to June 30, 1991, inclusive.

7 (2) ~~Landings used to qualify applicants for sea~~  
8 ~~eucumber permits shall have been reported to the~~  
9 ~~department as required by Section 8043, with the name~~  
10 ~~of the applicant shown on the receipt.~~

11 (e) ~~In order to renew a sea cucumber permit, an~~  
12 ~~applicant shall have been issued a sea cucumber permit~~  
13 ~~in the immediately preceding year.~~

14 (d) ~~Permits are nontransferable. Not more than one~~  
15 ~~permit shall be issued to any person.~~

16 (e)

17 (c) The fee for ~~a~~ sea cucumber ~~permits~~ *permit* shall be  
18 two hundred fifty dollars (\$250).

19 (f) ~~Sea cucumber permits shall be valid from April 1~~  
20 ~~through March 31 of the following year, or if issued after~~  
21 ~~the beginning of such term, for the remainder thereof.~~

22 (g)

23 (d) Each permittee shall complete and submit an  
24 accurate record of all sea cucumber fishing activities on  
25 forms provided by the department.

26 (h) ~~Permitholders, their agents, employees, or those~~  
27 ~~acting under their direction or control, shall comply with~~  
28 ~~all applicable provisions of this code relating to~~  
29 ~~commercial fishing and any regulations adopted pursuant~~  
30 ~~thereto.~~

31 (i)

32 (e) Any person who can demonstrate to the  
33 satisfaction of the department on or before April 1, 1995,  
34 that he or she had a vessel and trawl gear capable of  
35 fishing for sea cucumbers under a purchase contract,  
36 construction, or conversion between January 1, 1992, and  
37 May 1, 1992, and who otherwise was unable to meet the  
38 minimum landing requirements, may appeal the denial  
39 of a sea cucumber permit under this section to the  
40 director. The person shall provide proof of the purchase



1 contract, construction, or conversion based on the  
2 submission of documents satisfactory to the department  
3 that may include, but are not limited to, canceled checks,  
4 receipts, and contracts and that substantiate the  
5 claimant's appeal. The appeal shall be in a form  
6 prescribed by the department. Appeals that are  
7 postmarked or presented after April 1, 1995, shall not be  
8 considered.

9 ~~(j)~~

10 (f) This section shall become inoperative on April 1,  
11 1998, and as of January 1, 1999, is repealed, unless a later  
12 enacted statute, which becomes effective on or before  
13 January 1, 1999, deletes or extends the dates on which it  
14 becomes inoperative and is repealed.

15 SEC. 25. Section 8397 of the Fish and Game Code is  
16 amended to read:

17 8397. (a) If this section is operative as provided in  
18 Section 8397.1, the owner or operator of a commercial  
19 fishing vessel taking hagfish for commercial purposes  
20 shall ~~obtain~~ have a ~~revocable~~ hagfish permit *issued to that*  
21 *person that has not been revoked or suspended* and shall  
22 be in possession of the permit when engaged in those  
23 activities.

24 (b) The department shall issue permits to the owner  
25 or operator of a ~~currently registered~~ commercial fishing  
26 vessel *registered pursuant to Section 7881*.

27 ~~(c) Permits are nontransferable. Not more than one~~  
28 ~~permit shall be issued to any person.~~

29 ~~(d)~~ The fee for a hagfish ~~permits~~ *permit* shall be two  
30 hundred fifty dollars (\$250).

31 ~~(e) Hagfish permits shall be valid from April 1 through~~  
32 ~~March 31 of the following year, or if issued after the~~  
33 ~~beginning of such term, for the remainder thereof.~~

34 ~~(f)~~

35 (d) Each permittee shall complete and submit an  
36 accurate record of all hagfish fishing activities on forms  
37 provided by the department.

38 (1) Hagfish may only be taken with traps, subject to  
39 Article 1 (commencing with Section 9000) of Chapter 4,  
40 except that a hagfish fisherman operating under a hagfish



1 permit is not required to possess a general trap permit  
2 pursuant to Section 9001.

3 (2) The number of traps that may be possessed aboard  
4 and used by any fishing vessel operating under a hagfish  
5 permit shall not exceed 1,200 Korean traps or 300 of any  
6 other type of trap. No fishing vessel operating under a  
7 hagfish permit may possess both Korean traps and other  
8 types of traps aboard the vessel at the same time. As used  
9 in this paragraph, "Korean trap" means a molded plastic  
10 cylinder, not exceeding 6 inches in diameter and 24  
11 inches in length.

12 ~~(g) Permitholders, their agents or employees, or those~~  
13 ~~acting under their direction or control, shall comply with~~  
14 ~~all applicable provisions of this code relating to~~  
15 ~~commercial fishing, and any regulations adopted~~  
16 ~~pursuant thereto.~~

17 ~~(h)~~

18 (e) This section shall become inoperative on April 1,  
19 1998, and as of January 1, 1999, is repealed, unless a later  
20 enacted statute, which becomes effective on or before  
21 January 1, 1999, deletes or extends the dates on which it  
22 becomes inoperative and is repealed.

23 SEC. 26. Section 8500 of the Fish and Game Code is  
24 amended to read:

25 8500. Except as otherwise expressly permitted in this  
26 chapter, no mollusks, crustaceans, or other invertebrates  
27 may be taken for commercial purposes *by any person* in  
28 any tide pool or tidal area, including tide flats or other  
29 areas between the high tidemark and 1,000 feet beyond  
30 the low tidemark, ~~without a revocable~~ *unless the person*  
31 *has a permit issued by the department that has not been*  
32 *suspended or revoked.* The taking of mollusks,  
33 crustaceans, or other invertebrates pursuant to this  
34 section shall be ~~under~~ *subject to* regulations adopted by  
35 the commission.

36 SEC. 27. Section 8561 of the Fish and Game Code is  
37 amended to read:

38 8561. (a) Notwithstanding Sections 8394 and 8603,  
39 shark and swordfish may not be taken for commercial  
40 purposes with drift gill nets ~~except under~~ *by any person*



1 *unless that person has a ~~revocable~~ drift gill net shark and*  
 2 *swordfish permit ~~issued annually by the department that~~*  
 3 *has not been suspended or revoked.* These permits shall  
 4 be revoked or suspended by the director upon a  
 5 conviction for a willful violation of any provision of this  
 6 article, Article 1 (commencing with Section 8601) or  
 7 Article 5 (commencing with Section 8680) of Chapter 3,  
 8 ~~or violation of any condition of the permit by the~~  
 9 ~~permittee or the permittee's agent, servant, employee, or~~  
 10 ~~person acting under the permittee's direction or control.~~

11 (b) A drift gill net shark and swordfish permit shall not  
 12 be required for the taking of sharks with drift gill nets  
 13 with a mesh size smaller than eight inches in stretched  
 14 mesh and twine size no. 18 or the equivalent of this twine  
 15 size or smaller.

16 SEC. 28. Section 8567 of the Fish and Game Code is  
 17 amended to read:

18 ~~8567. A drift gill net shark and swordfish permit shall~~  
 19 ~~be valid, unless revoked, from April 1 to March 31 of the~~  
 20 ~~following year or, if issued after the beginning of that~~  
 21 ~~term, for the remainder thereof.~~ The fee for *this a drift*  
 22 *gill net shark and swordfish* permit shall be three hundred  
 23 thirty dollars (\$330).

24 SEC. 29. Section 8597 of the Fish and Game Code is  
 25 amended to read:

26 8597. (a) It is unlawful for any person to take or  
 27 possess for marine aquaria pet trade purposes any live  
 28 organisms identified in subdivision (b), unless the person  
 29 has ~~obtained~~ a ~~nontransferable~~ marine aquaria collector's  
 30 ~~permit issued annually by the department that has not~~  
 31 ~~been suspended or revoked.~~ The marine aquaria  
 32 collector's permit shall be in the possession of the  
 33 permittee when he or she is engaged in activities  
 34 authorized by this article.

35 (b) Except as provided in Section 8598.2, specimens of  
 36 the following groups or species may be collected under a  
 37 marine aquaria collector's permit:

- 38 (1) Marine plants:
  - 39 (A) Chlorophyta.
  - 40 (B) Phaeophyta.



- 1 (C) Rhodophyta.
- 2 (D) Spermatophyta, all species.
- 3 (2) Invertebrates:
- 4 (A) Polychaeta—worms; all species.
- 5 (B) Crustacea—shrimp, crabs; all species, except the
- 6 following:
- 7 (i) Dungeness crab—*Cancer magister*.
- 8 (ii) Yellow crab—*Cancer anthonyi*.
- 9 (iii) Red crab—*Cancer productus*.
- 10 (iv) Sheep crab—*Loxorhyuchus grandis*.
- 11 (v) Spot prawn—*Pandalus platyceros*.
- 12 (vi) Ridgeback prawn—*Sicyonia ingentis*.
- 13 (vii) Golden prawn—*Penaeus californiensis*.
- 14 (viii) Sand crab—*Emerita analoga*.
- 15 (ix) Redrock shrimp—*Lysmata californica*.
- 16 (x) Bay shrimp—*Crangon* sp. and *Palaemon*
- 17 *macrodactylus*.
- 18 (xi) Ghost shrimp—*Callianassa* sp.
- 19 (C) Asteroidea—Sea stars; all species.
- 20 (D) Ophiuroidea—Brittle stars; all species.
- 21 (E) Gastropoda—snails, limpets, sea slugs; all species,
- 22 except Kellet's whelk—*Kelletia kelletii*.
- 23 (F) Bivalvia—clams and mussels; all species.
- 24 (G) Polyplacophora—Chitons; all species.
- 25 (H) Cephalopoda—Octopuses and squids; all species,
- 26 except two spot octopuses—octopus *bimaculatus* and
- 27 octopus *maculoides*—and Market squid—*Loligo*
- 28 *opalescens*.
- 29 (I) Tunicata—Sea squirts; all species.
- 30 (3) Vertebrates:
- 31 (A) Osteichthyes—Fin fishes; all species, except the
- 32 following:
- 33 (i) Rockfish—*Sebastes* sp. larger than six inches total
- 34 length.
- 35 (ii) Sheephead—*Semicossyphus pulcher* larger than
- 36 six inches total length.
- 37 (iii) Anchovy—*Engraulis mordax*.
- 38 (iv) Sardine—*Sardinops sagax*.
- 39 (v) Pacific/Chub mackerel—*Scomber japonicus*.
- 40 (vi) Jack mackerel—*Trachurus symmetricus*.



- 1 (vii) Queenfish—*Seriphus politus*.  
2 (viii) White Croaker—*Seriphus genyonemus lineatus*.  
3 (ix) Top smelt—*Atherinops affinis*.  
4 (x) Grunion—*Leuresthes tenuis*.  
5 (xi) Shiner surf perch—*Cymatogaster aggregata*.  
6 (xii) Longjawed mudsucker—*Gillichthys mirabilis*.  
7 (B) Chondrichthyes—sharks, rays, and skates; all  
8 species less than 18 inches total length.  
9 ~~(c) The holder of a permit issued pursuant to this~~  
10 ~~section shall be present whenever collecting under this~~  
11 ~~section is being conducted and until all organisms~~  
12 ~~collected are landed.~~  
13 ~~(d)~~The holder of a permit issued pursuant to this  
14 section is not required to obtain or possess a kelp  
15 harvester's license issued pursuant to Section 6651, a tidal  
16 invertebrate permit issued pursuant to Section 8500, or a  
17 trap permit issued pursuant to Article 1 (commencing  
18 with Section 9000) of Chapter 4, when taking or  
19 possessing live organisms for marine aquaria pet trade  
20 purposes pursuant to subdivision (b), subject to  
21 regulations governing the taking of tidal invertebrates.  
22 The commission shall adopt regulations to implement this  
23 subdivision, and, for that purpose, may incorporate other  
24 regulations by reference.  
25 SEC. 30. Section 8598 of the Fish and Game Code is  
26 amended to read:  
27 8598. (a) Notwithstanding Section 8140 or  
28 subdivision (b) of Section 8597, specimens of the  
29 following groups or species shall not be taken or possessed  
30 for commercial purposes:  
31 (1) Invertebrates:  
32 (A) Phylum Porifera—all sponges.  
33 (B) Genus *Pelagia* sp.—jellyfish.  
34 (C) Coelenterata—corals, anemones; all species.  
35 (D) Order Gorgonacea—all gorgonians.  
36 (E) Order Pennatulacea—all species, except *Renilla*  
37 *kollikeri*.  
38 (F) Feather-duster worm—*Eudistylia polymorpha*.  
39 (G) Fiddler crab—*Uca crenulata*.  
40 (H) Umbrella crab—*Cryptolithodes sitchensis*.



- 1 (I) Stalked or goose barnacles—*Pollicipes* sp.
- 2 (J) Giant acorn barnacle—*Balanus nubilus* or *B. aguila*.
- 3 (K) Owl limpet—*Lottia gigantea*.
- 4 (L) Coffee bean shells—*Trivia* sp.
- 5 (M) Three-winged murex—*Pteropurpura trialata*.
- 6 (N) Vidler's simnia—*Simnia vidleri*.
- 7 (O) Queen tegula—*Tegula regina*.
- 8 (P) Opisthobranchia (including nudibranchs)—all
- 9 subclass Opisthobranchia species except:
- 10 (i) Sea hares—*Aplysia californica* and *Aplysia*
- 11 *vaccaria*.
- 12 (ii) *Hermisenda crassicornis*.
- 13 (iii) Lion's mouth—*Melibe leonina*.
- 14 (iv) *Aeolidia papillosa*.
- 15 (v) Spanish shawl—*Flabellina iodinea*.
- 16 (2) Vertebrates:
- 17 (A) All shark and ray eggcases.
- 18 (B) Brown smoothhound sharks—*Mustelus*
- 19 *hinlei*—*that are less than 18 inches in a whole condition*
- 20 *or dressed with head and tail removed*.
- 21 (C) Family Agonidae—all poachers.
- 22 (D) Wolf-eel—*Anarrhichthys ocellatus*.
- 23 (E) Juvenile sheephead—*Semicossyphus pulcher*
- 24 (under 6 inches).
- 25 (F) Garibaldi—*Hypsypops rubicundus*, except as
- 26 provided in subdivision (b).
- 27 (3) Live rocks.
- 28 (A) Rocks with living organisms attached, commonly
- 29 called "live rocks," shall not be taken or possessed except
- 30 as provided in subparagraph (C).
- 31 (B) Rocks shall not be broken to take marine aquaria
- 32 species, and any rock displaced to access any of those
- 33 species shall be returned to its original position.
- 34 (C) Rocks cultured under the authority of an
- 35 aquaculture registration may be possessed.
- 36 (b) Garibaldi—*Hypsypops rubicundus* may not be
- 37 taken or possessed under a marine aquaria collector's
- 38 permit until February 1, 1999, unless a study, the
- 39 methodology of which is approved by the department,
- 40 shows a less than significant impact on the population of



1 the garibaldi resource from that taking. On and after  
2 February 1, 1999, garibaldi may be taken or possessed  
3 under that permit for marine aquaria pet trade purposes  
4 only from October 31 to February 1, inclusive.

5 (c) No organisms may be taken for marine aquaria pet  
6 trade purposes under the terms of a marine aquaria  
7 collector's permit in any of the following areas:

8 (1) On the north side of Santa Catalina Island from a  
9 line extending three nautical miles 90 degrees true from  
10 Church Rock to a line extending three nautical miles 270  
11 degrees true from the extreme west end of the island.

12 (2) On the south or "back" side of Santa Catalina  
13 Island from a line extending three nautical miles 90  
14 degrees true from Church Rock to a line extending three  
15 nautical miles 270 degrees true from the extreme west  
16 end of the island.

17 (3) Marine life refuges, marine reserves, ecological  
18 reserves, and state reserves.

19 SEC. 31. Section 8598.3 of the Fish and Game Code is  
20 amended to read:

21 ~~8598.3. (a) An applicant for a marine aquaria~~  
22 ~~collector's permit shall be a commercial fisherman~~  
23 ~~licensed pursuant to Section 7850.~~

24 ~~(b) If a vessel is used in the taking or transporting of~~  
25 ~~species identified in subdivision (a) of Section 8597 for~~  
26 ~~commercial purposes, the vessel shall be registered~~  
27 ~~pursuant to Section 7881.~~

28 ~~(c) An application for a marine aquaria collector's~~  
29 ~~permit shall be made on the forms and contain the~~  
30 ~~information that the department may require. Except as~~  
31 ~~provided in subdivision (d) (c) of Section 8597, the~~  
32 ~~requirement for a marine aquaria collector's permit is in~~  
33 ~~addition to any other commercial fishing requirements.~~

34 ~~(d)~~

35 (b) The fee for a marine aquaria collector's permit  
36 shall be three hundred thirty dollars (\$330).

37 ~~(e) A marine aquaria collector's permit shall be valid~~  
38 ~~from April 1 to March 31, inclusive, of the following year,~~  
39 ~~or, if issued after the beginning of that term, for the~~  
40 ~~remainder thereof.~~



1 ~~(f)~~

2 (c) A person engaged in taking or possessing marine  
3 species under a marine aquaria collector's permit shall  
4 not take or possess any species under the authority of a  
5 scientific collector's permit issued pursuant to Section  
6 1002, 5515, or 10660 on the same fishing trip.

7 SEC. 32. Section 8842 of the Fish and Game Code, as  
8 amended by Chapter 935 of the Statutes of 1994, is  
9 amended to read:

10 8842. (a) Trawl nets of a design prescribed by the  
11 commission may be used or possessed to take shrimps or  
12 prawns under a ~~revocable~~ permit issued by the  
13 department under regulations ~~that adopted by the~~  
14 commission ~~shall prescribe~~.

15 Sections 8831, 8833, 8835, and 8836 do not apply to trawl  
16 nets used or possessed under a permit issued pursuant to  
17 this section.

18 (b) When fishing for pink shrimp (*Pandalus jordani*)  
19 under a permit issued pursuant to this section, it is  
20 unlawful to possess in excess of 1,500 pounds of  
21 incidentally taken fish per calendar day of a fishing trip,  
22 except Pacific whiting, shortbelly rockfish, and  
23 arrowtooth flounder, which may be taken in any amount  
24 not in excess of federal regulations. No Pacific halibut and  
25 not more than 150 pounds of California halibut shall be  
26 possessed or landed when fishing under a permit issued  
27 pursuant to this section. When fishing for ridgeback  
28 prawn and spotted prawn under a permit issued pursuant  
29 to this section, it is unlawful to possess in excess of 1,000  
30 pounds of incidentally taken fish per trip.

31 (c) This section shall become operative on April 1,  
32 1997.

33 SEC. 33. Section 9001 of the Fish and Game Code is  
34 amended to read:

35 9001. (a) The department shall issue a ~~revocable,~~  
36 ~~nontransferable~~ general trap permit authorizing the use  
37 of traps to take ~~fin-fish~~ *finfish*, mollusks, or crustaceans for  
38 commercial purposes from the ocean waters of this state.

39 (b) Any person who operates or assists in operating  
40 any trap to take ~~fin-fish~~ *finfish*, mollusks, or crustaceans,



1 other than lobster or dungeness crabs, as defined in  
2 Section 8275, or who possesses or transports ~~fin fish~~ *finfish*,  
3 mollusks, or crustaceans on any boat, barge, or vessel  
4 when any trap is aboard, shall have ~~in his or her possession~~  
5 a ~~valid~~ general trap permit issued to ~~him or her~~ pursuant  
6 ~~to this section~~ *that person that has not been revoked or*  
7 *suspended while engaged in any such the activity.*

8 (c) The fee for the general trap permit shall be  
9 established by the director in an amount not to exceed the  
10 cost of administration of this article, or thirty-five dollars  
11 (\$35), whichever is more.

12 (d) The application for a general trap permit under  
13 this section shall contain a statement, signed by the  
14 applicant, that he or she has read, understands, and agrees  
15 to be bound by all the terms of the general trap permit.

16 (e) This section does not apply to the taking of lobster  
17 under Section 9010 or to the taking of dungeness crab  
18 under Section 9011.

19 SEC. 34. Section 9001.5 of the Fish and Game Code is  
20 amended to read:

21 9001.5. Notwithstanding Section 9001, a ~~revocable;~~  
22 ~~nontransferable~~ finfish trap permit is required to take  
23 finfish *other than hagfish* in traps for commercial  
24 purposes in ocean waters between a line extending due  
25 west true from Point Arguello in Santa Barbara County  
26 and the United States-Mexico international boundary  
27 line. A finfish trap permit shall only be issued as follows:

28 (a) For the 1996–97 permit year, to persons who held  
29 a general trap permit during the 1995–96 permit year *that*  
30 *has not been suspended or revoked* and who landed  
31 finfish taken in traps for commercial purposes during the  
32 1995–96 permit year in this state as reported on one or  
33 more fish landing receipts signed by the applicant and  
34 ~~submitted~~ *delivered* to the department pursuant to  
35 Section ~~8043~~ 8046.

36 (b) For the 1997–98 permit year and thereafter, to  
37 persons who held a finfish trap permit to take finfish  
38 during the immediately preceding permit year *that has*  
39 *not been suspended or revoked* and who landed at least  
40 50 pounds of finfish taken in finfish traps as reported on



1 one or more fish landing receipts signed by the applicant  
2 and submitted to the department pursuant to Section  
3 ~~8043~~ 8046 during the immediately preceding permit year.

4 (c) Any applicant who is denied a finfish trap permit,  
5 for any reason, may appeal the denial to the commission  
6 in writing, describing the basis for the appeal. The appeal  
7 shall be received by the commission not later than 60 days  
8 after the date of denial.

9 ~~(d) This section shall become operative on April 1,~~  
10 ~~1996.~~

11 SEC. 35. Section 9001.6 of the Fish and Game Code is  
12 amended to read:

13 9001.6. (a) Finfish may be taken with a permit issued  
14 pursuant to Section 9001.5 according to the following  
15 limitations:

16 (1) No lobster shall be possessed aboard or landed  
17 from any vessel on which finfish are also present unless a  
18 person is on board who ~~possesses~~ *has a valid* finfish permit  
19 *issued* pursuant to Section 9001.5 *that has not been*  
20 *suspended or revoked* and who also ~~possesses~~ *has a valid*  
21 permit issued pursuant to Section 8254 *that has not been*  
22 *suspended or revoked* and is in compliance with ~~all other~~  
23 ~~provisions of~~ this article and Article 5 (commencing with  
24 Section 8250) of Chapter 2 and the regulations adopted  
25 pursuant to these articles. Lobster shall not be used as bait  
26 in finfish traps, and any lobster found in finfish traps that  
27 may not be possessed pursuant to this article or Article 5  
28 (commencing with Section 8250) of Chapter 2 shall be  
29 returned to the water immediately.

30 (2) During the period from one hour after sunset to  
31 one hour before sunrise finfish traps that are left in the  
32 water shall be unbaited with the door secured open.  
33 However, if, for reasons beyond the control of the  
34 permittee, all trap doors cannot be secured open prior to  
35 one hour after sunset, the permittee shall immediately  
36 notify the department.

37 (3) Timed buoy release mechanisms commonly  
38 termed "popups" shall not be used on buoy lines attached  
39 to finfish traps.



1 (4) Trap destruction devices used on finfish traps shall  
2 conform to the current requirements for those devices  
3 adopted by the commission.

4 (5) No finfish traps shall be within 750 feet of any pier,  
5 breakwall, or jetty in Districts 19, 19A, 19B, 20, 20A, 20B,  
6 or 21.

7 (6) Not more than 50 finfish traps may be used in state  
8 waters along the mainland shore.

9 (7) The mesh of any finfish trap shall measure two  
10 inches by two inches.

11 (b) The fee for the finfish trap permit issued pursuant  
12 to Section 9001.5 is one hundred ten dollars (\$110) ~~and~~  
13 ~~shall be valid from April 1 to March 31, inclusive.~~ Only one  
14 finfish trap permit shall ~~annually~~ be issued to any person.

15 (c) ~~A~~ *Notwithstanding subdivision (b) of Section 7857,*  
16 *a permit issued pursuant to Section 9001.5 may be*  
17 *revoked or cancelled by the commission when*  
18 *recommended by the department upon a conviction for*  
19 *a violation of this article or regulations adopted pursuant*  
20 *thereto by the permittee, the permittee's agents,*  
21 *servants, employees, or persons acting under the*  
22 *permittee's direction and control. A permit may be*  
23 *revoked for a period of not more than one year from the*  
24 *date of revocation for a first or second conviction for a*  
25 *violation of this article or regulations adopted pursuant*  
26 *thereto and may be permanently revoked or canceled for*  
27 *a third or subsequent conviction for a violation of this*  
28 *article or regulations adopted pursuant thereto.*

29 ~~This section shall become operative on April 1,~~  
30 ~~1996~~ *Notwithstanding subdivision (a), Korean traps, as*  
31 *defined in paragraph (2) of subdivision (f) of Section*  
32 *8397, may be used to take only hagfish. When Korean*  
33 *traps are being used or are possessed aboard a vessel, or*  
34 *when hagfish are possessed aboard a vessel, no other*  
35 *species of finfish shall be taken, possessed, or sold for*  
36 *commercial purposes.*

37 (e) This section shall become inoperative on April 1,  
38 1998, and as of January 1, 1999, is repealed, unless a later  
39 enacted statute, which is enacted before January 1, 1999,  
40 deletes or extends that date.



1 SEC. 36. Section 9006 of the Fish and Game Code is  
2 amended to read:

3 9006. Any buoy used to mark a trap shall be clearly  
4 and distinctively marked with a buoy identification  
5 number, as follows:

6 (a) The buoy identification number for a lobster trap  
7 used to take lobster under ~~Section 9010~~ and a lobster  
8 *permit issued* pursuant to Section 8254 is the fisherman's  
9 commercial fishing license number *issued to the operator*  
10 *of the trap pursuant to Section 7852* followed by the letter  
11 "P."

12 (b) The buoy identification number for a trap, which  
13 is used under a general trap permit issued pursuant to  
14 Section 9001 or a crab trap used to take Dungeness crab  
15 under Section 9011, is the commercial *fishing* license  
16 number issued to the operator of the trap pursuant to  
17 Section 7852.

18 (c) The buoy identification number for a trap used to  
19 take finfish under a permit issued pursuant to Section  
20 9001.5 is the commercial fishing license number ~~of the~~  
21 ~~permittee~~, *issued to the operator of the trap* pursuant to  
22 Section 7852, followed by the letter Z.

23 SEC. 37. Section 9054 of the Fish and Game Code is  
24 amended to read:

25 9054. Rakes, airlifts, or other handheld appliances  
26 may be used to take sea urchins under a ~~revocable,~~  
27 ~~nontransferable~~ permit issued by the department,  
28 subject to regulations prescribed by the commission. The  
29 commission may, whenever necessary to prevent  
30 overutilization or to ensure efficient and economic  
31 operation of the fishery, limit the number of permits  
32 ~~which~~ *that* may be issued. The commission, as it  
33 determines appropriate to protect the resource, may  
34 limit the number of permits either on a statewide basis or  
35 within selected geographical areas.

36 SEC. 38. No reimbursement is required by this act  
37 pursuant to Section 6 of Article XIII B of the California  
38 Constitution because the only costs that may be incurred  
39 by a local agency or school district will be incurred  
40 because this act creates a new crime or infraction,



1 eliminates a crime or infraction, or changes the penalty  
2 for a crime or infraction, within the meaning of Section  
3 17556 of the Government Code, or changes the definition  
4 of a crime within the meaning of Section 6 of Article  
5 XIII B of the California Constitution.

6 Notwithstanding Section 17580 of the Government  
7 Code, unless otherwise specified, the provisions of this act  
8 shall become operative on the same date that the act  
9 takes effect pursuant to the California Constitution.

O

