

AMENDED IN ASSEMBLY MAY 13, 1996
AMENDED IN ASSEMBLY APRIL 22, 1996
AMENDED IN ASSEMBLY APRIL 17, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 3245

Introduced by Assembly Member Bordonaro

February 23, 1996

An act to amend Sections 355, 1052, 6596, 7120, 7652, 7852, 7881, 7921, 8046, 8100, 8231, 8233, 8235, 8246, 8254, 8275, 8280.1, 8280.2, 8280.4, 8306.6, 8394, 8396, 8397, 8500, 8550, 8561, 8567, 8597, 8598, 8598.3, 8837, 8842, 9001, 9001.5, 9001.6, 9006, 9054, 14000, 14001, and 14100 of, to amend and renumber Section 8312 of, to amend, repeal, and add Section 3031 of, to amend and repeal Sections 331 and 8300.1 of, to add Sections 316.5, 7601, 7852.21, 7857, 7858, and 7892 to, and to repeal Sections 8256, 8598.5, and 8839 of, the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 3245, as amended, 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 relating to commercial fishing adopted by the director. The bill would exempt the regulations adopted by the director from the Administrative Procedure Act.

(2) Under existing law, the commission is authorized to adopt regulations governing the areas, seasons, and other matters relating to the taking of antelope. Existing law also authorizes the commission, until January 1, 1997, to annually direct the department to authorize not less than one antelope tag or more than 1% of the total number of tags to be sold at auction for programs and projects to raise funds for programs and projects to benefit antelope.

This bill would extend that authorization to sell those tags to raise funds indefinitely.

(3) 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 and would make technical changes to those provisions. 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 provide, *effective April 1, 1997*, for an upgrade stamp to upgrade a commercial crewmember fishing license to a commercial operator fishing license, *and would establish a fee of \$125 for a lobster crewmember permit*. 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. The bill would make other conforming changes to existing law relating to the revocation of commercial fishing licenses and permits.

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.

(4) 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.

(5) 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 specify the licenses subject to that law and would exempt possession authorized by certain regulations adopted by the commission.

(6) 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.

(7) Under existing law, the owner or operator of a vessel or aircraft used for commercial fishing is required to obtain a commercial boat registration for that vessel.

This bill would separately provide for the department to issue to the owner or operator of an aircraft used in connection with commercial fishing operations an aircraft registration for the aircraft for a fee of \$200 that would be required to be carried aboard the aircraft at all times when the aircraft is used in connection with commercial fishing operations.

(8) Under existing law, a landing receipt is required to be prepared for all fish landed for commercial purposes. The original signed copy of the landing receipt is required to be delivered to the department on or before the 1st and 16th day of each month.



This bill would, instead, require that copy of the landing receipt to be delivered to the department on or before the 16th or last day of the month in which the fish are landed, whichever date occurs first after the fish are landed.

(9) Under existing law, the owner of a commercial fishing vessel used to take salmon for commercial purposes is required to obtain a commercial fishing vessel salmon permit and authorizes the owner or the owner's agent to renew the permit. If the department does not receive an application to renew the permit for any vessel for which a vessel permit has been issued the department is required to notify the owner of the vessel by certified mail.

This bill would, instead, require the notice to be sent by 1st-class mail.

(10) 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, and would extend the prohibition to landing of those fish.

(11) Existing law, generally, authorizes taking of finfish for commercial purposes with traps pursuant to a finfish trap permit south of Point Arguello. 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 limit the use of Korean traps, as defined, or bucket traps, as described, 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.

(12) Existing law authorizes double bags or cod-ends in nets to be used or possessed for commercial fishing in accordance with federal groundfish regulations.

This bill would delete that authorization.

(13) Under existing law, the Governor has executed an interstate compact on behalf of the state forming the Pacific Marine Fisheries Commission that has been approved by Congress. Congress has redesignated that commission to be the Pacific States Marine Fisheries Commission.



This bill would conform state law to that redesignation.

(14) 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 *provide for additional fees to be deposited in the Fish and Game Preservation Fund and would impose new duties on the department and the commission*, the bill would make an appropriation.

(15) 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
5 possessing of salmon is prohibited by federal law or by
6 rules or regulations adopted by the United States
7 Secretary of Commerce, notwithstanding any other
8 provision of this code.

9 SEC. 2. Section 331 of the Fish and Game Code, as
10 amended by Section 2 of Chapter 1370 of the Statutes of
11 1992, is amended to read:

12 331. (a) The commission may determine and fix the
13 area or areas, the seasons and hours, the bag and
14 possession limit, and the sex and total number of antelope
15 (*Antilocapra americana*) that may be taken under
16 regulations which the commission may adopt from time
17 to time. Only a resident of the State of California
18 possessing a valid hunting license, who has not received
19 an antelope license tag under these provisions during a



1 period of time specified by the commission, may obtain
2 a license tag for the taking of antelope.

3 (b) A license tag may be issued upon payment of a fee
4 of fifty-five dollars (\$55), as adjusted under Section 713.
5 The fee shall be deposited in the Fish and Game
6 Preservation Fund and shall be expended, in addition to
7 money budgeted for salaries of persons in the
8 department, for the expense of implementing this
9 section.

10 (c) The commission shall direct the department to
11 annually authorize not less than one antelope tag or more
12 than 1 percent of the total number of tags available for the
13 purpose of raising funds for programs and projects to
14 benefit antelope. These tags may be sold at auction to
15 residents or nonresidents of the State of California or by
16 another method and are not subject to the fee limitation
17 prescribed in subdivision (b).

18 SEC. 3. Section 331 of the Fish and Game Code, as
19 added by Section 2 of chapter 710 of the Statutes of 1991,
20 is repealed.

21 SEC. 4. Section 355 of the Fish and Game Code is
22 amended to read:

23 355. The commission may, annually, adopt
24 regulations pertaining to migratory birds to conform with
25 or to further restrict the rules and regulations prescribed
26 pursuant to the Migratory Bird Treaty Act.

27 Regulations adopted under this section are not subject
28 to Sections 11343.4, 11346.1, 11346.4, and 11346.8 of the
29 Government Code.

30 Every regulation of the commission adopted pursuant
31 to this article shall be filed with the Secretary of State, and
32 shall become effective upon filing unless otherwise
33 specified in the regulations.

34 SEC. 5. Section 1052 of the Fish and Game Code is
35 amended to read:

36 1052. It is unlawful for any person to do any of the
37 following:

38 (a) Transfer any license, license tag, license stamp,
39 permit, application, or reservation.



1 (b) Use or possess any license, license tag, license
2 stamp, permit, application, or reservation that was not
3 lawfully issued to the user thereof or that was obtained by
4 fraud, deceit, or the use of a fake or counterfeit
5 application form.

6 (c) Use or possess any fake or counterfeit license,
7 license tag, license stamp, permit, permit application
8 form, band, or seal, made or used for the purpose of
9 evading any of the provisions of this code, or regulations
10 adopted pursuant thereto.

11 (d) Predate or fail to date any license, license tag, or
12 permit.

13 (e) Postdate any license, license tag, or permit. This
14 subdivision does not apply to the effective date of a
15 license issued pursuant to paragraph (4) of subdivision
16 (a) of Section 7149 or subdivision (c) of Section 7149.

17 (f) Alter, mutilate, deface, duplicate, or counterfeit
18 any license, license tag, permit, permit application form,
19 band, or seal, or entries thereon, to evade the provisions
20 of this code, or any regulations adopted pursuant thereto.

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

23 3031. (a) A hunting license granting the privilege to
24 take birds and mammals shall be issued to any of the
25 following:

26 (1) Any resident of this state, 16 years of age or older,
27 upon the payment of a base fee of seventeen dollars (\$17),
28 as adjusted under Section 713.

29 (2) Any resident of this state, under the age of 16 years,
30 upon the payment of a base fee of four dollars (\$4), as
31 adjusted under Section 713.

32 (3) Any person not a resident of this state, upon the
33 payment of a base fee of fifty-nine dollars (\$59), as
34 adjusted under Section 713.

35 (4) Any person not a resident of this state, valid for one
36 day and only for the taking of domesticated game birds
37 and pheasants while on the premises of a licensed
38 ~~pheasant~~ *game bird* club, or for the taking of
39 domesticated migratory game birds on areas licensed for



1 shooting those birds, upon the payment of a base fee of
 2 eight dollars (\$8), as adjusted under Section 713.

3 (5) Any person not a resident of this state, valid only
 4 at an organizational field trial under Section 3510, upon
 5 the payment of a base fee of fifteen dollars (\$15), as
 6 adjusted under Section 713.

7 (b) The adjustment of the base fees under Section 713
 8 which are specified in paragraphs (1) to (5), inclusive, of
 9 subdivision (a) are applicable to the hunting license years
 10 beginning on and after July 1, 1988.

11 (c) This section shall remain in effect only until July
 12 1, 1997, and as of that date is repealed, unless a later
 13 enacted statute, that is enacted before July 1, 1997, deletes
 14 or extends that date.

15 SEC. 7. Section 3031 is added to the Fish and Game
 16 Code, to read:

17 3031. (a) A hunting license granting the privilege to
 18 take birds and mammals shall be issued to any of the
 19 following:

20 (1) A resident of this state, 16 years of age or older,
 21 upon the payment of a base fee of seventeen dollars (\$17),
 22 as adjusted under Section 713.

23 (2) A person under the age of 16 years, upon the
 24 payment of a base fee of four dollars (\$4), as adjusted
 25 under Section 713.

26 (3) A person not a resident of this state, 16 years of age
 27 or older, upon the payment of a base fee of fifty-nine
 28 dollars (\$59), as adjusted under Section 713.

29 (4) A person not a resident of this state, valid for one
 30 day and only for the taking of domesticated game birds
 31 and pheasants while on the premises of a licensed
 32 ~~pheasant~~ *game bird* club, or for the taking of
 33 domesticated migratory game birds on areas licensed for
 34 shooting those birds, upon the payment of a base fee of
 35 eight dollars (\$8), as adjusted under Section 713.

36 (5) A person not a resident of this state, valid only at
 37 an organizational field trial under Section 3510, upon the
 38 payment of a base fee of fifteen dollars (\$15), as adjusted
 39 under Section 713.



1 (b) The adjustment of the base fees under Section 713
2 which are specified in paragraphs (1) to (5), inclusive, of
3 subdivision (a) are applicable to the hunting license years
4 beginning on and after July 1, 1988.

5 (c) This section shall become operative on July 1, 1997.

6 SEC. 8. Section 6596 of the Fish and Game Code is
7 amended to read:

8 6596. (a) In addition to a valid California fishing
9 license issued pursuant to Section 7149 and any other
10 applicable license stamp issued pursuant to this code, a
11 person taking fish from ocean waters south of a line
12 extending due west from Point Arguello for purposes
13 other than for profit shall have permanently affixed to his
14 or her fishing license, except a sportfishing license issued
15 pursuant to paragraph (4) of subdivision (a) of Section
16 7149, an ocean fishing enhancement stamp. A license
17 stamp issued under this subdivision shall be issued for the
18 following fees:

19 (1) A stamp for a sportfishing or sport ocean fishing
20 license, two dollars and fifty cents (\$2.50). Sportfishing
21 licenses issued pursuant to paragraph (4) of subdivision
22 (a) of Section 7149 are not subject to this requirement.

23 (2) A stamp for each single day sport ocean fin fishing
24 license issued pursuant to subdivision (c) of Section 7149,
25 fifty cents (\$0.50). Sportfishing licenses issued pursuant to
26 paragraph (4) of subdivision (a) of Section 7149 are not
27 subject to this requirement.

28 (b) In addition to a valid California commercial
29 passenger fishing boat license issued pursuant to Section
30 7920, the owner of any boat or vessel who, for profit,
31 permits any person to fish therefrom, south of a line
32 extending due west from Point Arguello, shall have a
33 valid commercial ocean fishing enhancement stamp
34 issued for that vessel that has not been suspended or
35 revoked.

36 (c) In addition to a valid California commercial fishing
37 license issued pursuant to Section 7852, any person who
38 takes, possesses, or lands any white sea bass, south of a line
39 extending due west from Point Arguello, shall have a
40 valid commercial ocean fishing enhancement stamp



1 issued to that person that has not been suspended or
2 revoked.

3 (d) The fee for a commercial ocean *fishing*
4 enhancement stamp ~~is~~ *shall be* twenty-five dollars (\$25).

5 SEC. 9. Section 7120 of the Fish and Game Code is
6 amended to read:

7 7120. It is unlawful for any person to possess more
8 than one daily bag limit of any fish taken under a license
9 issued pursuant to Section 714 or Article 3 (commencing
10 with Section 7145) unless authorized by regulations
11 adopted by the commission pursuant to Section 206.

12 SEC. 10. Section 7601 is added to the Fish and Game
13 Code, to read:

14 7601. "Owner" or "vessel owner" means the person or
15 persons designated as the registered owner of a vessel on
16 a certificate of documentation issued by the United States
17 Coast Guard or on a copy of the vessel registration issued
18 by the vessel registration agency of the state where the
19 owner is a resident. For purposes of this section, the vessel
20 registration agency in California is the Department of
21 Motor Vehicles.

22 SEC. 11. Section 7652 of the Fish and Game Code is
23 amended to read:

24 7652. Upon the preparation by the council, and the
25 recommendation by the council to the secretary, of a
26 fishery management plan or amendment thereto
27 pursuant to the act, or upon the approval by the secretary
28 of a fishery management plan, or amendment thereto,
29 pursuant to the act, the director may do the following to
30 conform state law or regulations of the commission to the
31 fishery management plan, or amendment thereto, if the
32 director finds that the action is necessary to achieve
33 optimum yield in California and that it is necessary to
34 avoid a substantial and adverse effect on the plan by that
35 state law or the regulations in order to continue state
36 jurisdiction pursuant to Section 1856 of the act:

37 (a) Adopt regulations that would make inoperative
38 any statute or regulation of the commission, including,
39 but not limited to, statutes or regulations regulating bag



1 limits, methods of taking, and seasons for taking of fish for
2 commercial purposes.

3 Any regulation adopted by the director pursuant to this
4 subdivision shall specify the particular statute or
5 regulation of the commission to be inoperative.

6 (b) Adopt regulations governing phases of the taking
7 of fish for commercial purposes that are not presently
8 regulated by statute or regulation of the commission.

9 (c) Adopt regulations governing phases of the taking
10 of fish for commercial purposes that are presently
11 regulated by statute or regulation of the commission, but
12 only if the statutes or regulations are first made
13 inoperative pursuant to subdivision (a) for the effective
14 period of the regulations adopted by the director
15 pursuant to this subdivision.

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

19 SEC. 12. Section 7852 of the Fish and Game Code is
20 amended to read:

21 7852. (a) Except as provided in subdivision (a) of
22 Section 7852.3, the department shall issue a commercial
23 fishing license for a fee of fifty dollars (\$50) for each
24 resident vessel crewmember.

25 (b) The department shall issue a commercial fishing
26 license for a fee of ninety dollars (\$90) for each resident
27 vessel operator. Any person who has a valid license issued
28 pursuant to this subdivision that has not been suspended
29 or revoked may also serve as a vessel crewmember.
30 Unless all persons are licensed as nonresident operators
31 or crewmembers pursuant to subdivision (c), at least one
32 person aboard each commercial fishing vessel during any
33 fishing operation shall have a commercial fishing license
34 issued pursuant to this subdivision that has not been
35 suspended or revoked.

36 (c) The department shall issue a commercial fishing
37 license for a fee of one hundred fifty dollars (\$150) for a
38 nonresident vessel crewmember or nonresident vessel
39 operator.



1 SEC. 13. Section 7852.21 is added to the Fish and
2 Game Code, to read:

3 7852.21. (a) Any person that has a valid resident
4 crewmember commercial fishing license issued under
5 subdivision (a) of Section 7852 that has not been
6 suspended or revoked may upgrade that license to a
7 resident operator commercial fishing license, as
8 described in subdivision (b) of Section 7852, by obtaining
9 a resident commercial fishing license upgrade stamp.

10 (b) The department shall issue a resident commercial
11 fishing license upgrade stamp upon payment of the fee
12 for that stamp. The upgrade stamp fee shall be equal to
13 the difference in the fee for the resident operator
14 commercial fishing license issued pursuant to subdivision
15 (a) of Section 7852 and the fee for the resident
16 crewmember commercial fishing license issued pursuant
17 to subdivision (b) of Section 7852.

18 (c) *This section shall become operative on April 1,*
19 *1997.*

20 SEC. 14. Section 7857 is added to the Fish and Game
21 Code, to read:

22 7857. Unless otherwise specified, the following
23 conditions apply to each commercial fishing license,
24 permit, or other entitlement issued to take, possess, or
25 land fish for commercial purposes and to each
26 commercial boat registration issued by the department,
27 except licenses issued pursuant to Article 7 (commencing
28 with Section 8030):

29 (a) The person to whom a commercial fishing permit
30 or other entitlement is issued shall have a *valid*
31 commercial fishing license issued pursuant to Section
32 7852 that is not revoked or suspended.

33 (b) The commission, after notice and opportunity for
34 hearing, may suspend, revoke, or cancel commercial
35 fishing privileges for a period of time to be determined by
36 the commission for the following reasons:

37 (1) The person was not lawfully entitled to be issued
38 the license, permit, or other entitlement.

39 (2) A violation of this code, the terms of the permit or
40 other entitlement, or the regulations adopted pursuant



1 thereto, by the licensee, permittee, person holding the
2 entitlement, or his or her agent, servant, employee, or
3 person acting under the licensee's, permittee's, or
4 entitled person's direction or control.

5 (3) A violation of any federal law relating to the fishery
6 for which the license, permit, or other entitlement was
7 issued by the licensee, permittee, person holding the
8 entitlement, or his or her agent, servant, employee, or
9 person acting under the licensee's, permittee's, or
10 entitled person's direction or control.

11 (c) The person to whom the commercial fishing
12 license, permit, or other entitlement is issued shall be
13 present when fish are being taken, possessed aboard a
14 boat, or landed *for commercial purposes*. This subdivision
15 does not apply to commercial fishing vessel permits or
16 licenses.

17 (d) The commercial fishing license, permit, or other
18 entitlement shall be in the licensee's, permittee's, or
19 entitled person's possession, or immediately available to
20 the licensee, permittee, or entitled person at all times
21 when engaged in any activity for which the commercial
22 fishing license, permit, or entitlement is required.

23 (e) Not more than one individual commercial fishing
24 license, permit, or other entitlement of a single type shall
25 be issued to an individual person and not more than one
26 commercial vessel fishing license, permit, or other
27 entitlement 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 fishing license, permit, or other entitlement
30 shall be reported on landing receipts prepared and
31 delivered to the department pursuant to ~~Article 7.5~~
32 ~~(commencing with Section 8040).~~ *Sections 8043 and*
33 *8043.1.*

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



1 (h) An application for a commercial fishing license,
2 permit, or other entitlement shall be made on a form
3 containing the information the department may require.

4 (i) Any person who has had a commercial fishing
5 license, permit, or other entitlement suspended or
6 revoked shall not engage in that fishery, and shall not
7 obtain any other commercial fishing license, permit, or
8 other entitlement that authorizes engaging in that
9 fishery, while the suspension or revocation is in effect.

10 (j) A commercial fishing license, permit, or other
11 entitlement is not transferable unless otherwise expressly
12 specified in this code.

13 (k) Every commercial fishing license, permit, stamp,
14 commercial boat registration, or other entitlement issued
15 pursuant to this part, except commercial fish business
16 licenses issued pursuant to Article 7 (commencing with
17 Section 8030), is valid from April 1 to March 31 of the next
18 following calendar year or, if issued after the beginning
19 of that term, for the remainder thereof.

20 SEC. 15. Section 7858 is added to the Fish and Game
21 Code, to read:

22 7858. In addition to the conditions specified in Section
23 7857, the following conditions apply to a commercial
24 permit to take, possess, or land fish in a limited entry
25 fishery, as defined in Section 8100:

26 (a) The permit shall be renewed annually.

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

32 SEC. 16. Section 7881 of the Fish and Game Code is
33 amended to read:

34 7881. (a) Every person who owns or operates a vessel
35 in public waters in connection with fishing operations for
36 profit in this state, or who brings fish into this state, or
37 who, for profit, permits persons to fish therefrom, shall
38 submit an application for commercial boat registration on
39 forms provided by the department and shall be issued a
40 registration number. ~~The application shall contain~~



1 ~~information as required by the department for that~~
2 ~~vessel registration number.~~

3 (b) Upon payment of a fee of two hundred dollars
4 (\$200) by the resident owner or operator of the vessel, the
5 department shall issue a commercial boat registration.
6 The commercial boat registration shall be carried aboard
7 the vessel at all times and posted in a conspicuous place.

8 (c) Upon payment of a fee of four hundred dollars
9 (\$400) by the nonresident owner or operator of the
10 vessel, the department shall issue a commercial boat
11 registration. The commercial boat registration shall be
12 carried aboard the vessel at all times and posted in a
13 conspicuous place.

14 (d) This section does not apply to any vessel that is
15 rented without an operator, unless the vessel is powered
16 with an inboard motor, in which case a commercial boat
17 registration is required.

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

21 SEC. 17. Section 7892 is added to the Fish and Game
22 Code, to read:

23 7892. The department shall issue to any person
24 owning or operating an aircraft used in connection with
25 commercial fishing operations in this state an aircraft
26 registration for that aircraft. The registration shall be
27 carried aboard the aircraft at all times when the aircraft
28 is used in connection with commercial fishing operations.
29 The fee for a commercial aircraft registration shall be two
30 hundred dollars (\$200).

31 SEC. 18. Section 7921 of the Fish and Game Code is
32 amended to read:

33 7921. The fee for a commercial passenger fishing ~~boat~~
34 *vessel* license is two hundred dollars (\$200) and the
35 commercial passenger fishing ~~boat~~ *vessel* license shall be
36 issued to the holder of a commercial boat registration
37 issued pursuant to Section 7881.

38 SEC. 19. Section 8046 of the Fish and Game Code is
39 amended to read:



1 8046. (a) The original signed copy of the landing
 2 receipt made under Section 8043 or 8043.1 shall be
 3 delivered to the department on or before the 16th or last
 4 day of the month in which the fish were landed,
 5 whichever date occurs first after the landing. A copy of
 6 the landing receipt shall be delivered to the commercial
 7 fisherman at the time of the purchase or receipt of the
 8 fish. That copy of the landing receipt shall be retained by
 9 the commercial fisherman for a period of four years and
 10 shall be available for inspection at any time during that
 11 period by the department. A copy of the landing receipt
 12 shall be kept by the person licensed pursuant to Article
 13 7 (commencing with Section 8030) who filled out the
 14 landing receipt for a period of four years and shall be
 15 available for inspection at any time within that period by
 16 the department.

17 (b) On delivery of sardines, anchovies, mackerel,
 18 squid, tuna, or bonito intended to be processed or sold as
 19 fresh fish, the person licensed pursuant to Article 7
 20 (commencing with Section 8030) who filled out the
 21 landing receipt, upon request of the authorized agent
 22 described in subdivision (c), shall notify the authorized
 23 agent of the unloading and weighing of the fish and shall
 24 permit the authorized agent to be present at all times
 25 during the weighing of the fish.

26 (c) A copy of the landing receipt shall be delivered to
 27 an agent authorized in writing by the majority of the
 28 persons who participated in the taking of the fish,
 29 excluding the commercial fisherman receiving the
 30 original copy.

31 SEC. 20. Section 8100 of the Fish and Game Code is
 32 amended to read:

33 8100. "Limited entry fishery" means a fishery in
 34 which the number of persons who may participate or the
 35 number of vessels that may be used in taking a specified
 36 species of fish is limited by statute.

37 SEC. 21. Section 8231 of the Fish and Game Code is
 38 amended to read:

39 8231. The following definitions govern the
 40 construction of this article:



1 (a) “Agent” means the person designated in writing
2 by the owner as the owner’s representative.

3 (b) “Appeal” means a request for reconsideration of
4 an action of the review board, the department, or the
5 commission pursuant to this article.

6 (c) “Change of ownership” means the transfer of
7 ownership of a permitted vessel to a new owner.

8 (d) “Commercial salmon vessel permit” means an
9 annual permit issued by the department to an owner of
10 a commercial fishing vessel for use of that vessel to take
11 salmon for commercial purposes and shall not be
12 considered personal property.

13 (e) “Fishing potential” means the capability and
14 capacity for harvesting salmon of a particular commercial
15 fishing vessel. “Fishing potential” includes, but is not
16 limited to, a rating based upon factors such as size,
17 seaworthiness, propulsion system, hold size, and hull
18 design.

19 (f) “Permit” means a commercial salmon vessel
20 permit as defined in subdivision (d).

21 (g) “Permitted vessel” means a commercial fishing
22 vessel for which a permit is currently valid.

23 (h) “Replacement vessel” means a commercial fishing
24 vessel for the use of which a permit is proposed to be
25 transferred pursuant to this article.

26 (i) “Review board” means the commercial salmon
27 fishing review board created pursuant to Section 8247.

28 (j) “Transfer” means the issuance of a permit for use
29 of a replacement vessel.

30 SEC. 22. Section 8233 of the Fish and Game Code is
31 amended to read:

32 8233. Except as otherwise provided in this article, a
33 permit shall be renewed prior to expiration. Each permit
34 issued by the department shall display the expiration date
35 on the face of the permit.

36 SEC. 23. Section 8235 of the Fish and Game Code is
37 amended to read:

38 8235. (a) The owner of a permitted vessel, or that
39 owner’s agent, may apply for renewal of the permit
40 annually on or before March 31, upon payment of the fees



1 established under subdivision (b), without penalty. Upon
2 receipt of the application and fees, the department shall
3 issue the permit for use of the permitted vessel in the
4 subsequent permit year only to the owner of the
5 permitted vessel.

6 (b) The department shall fix the annual fee for the
7 renewal of the permit in an amount it determines to be
8 necessary to pay the reasonable costs of implementing
9 and administering this article.

10 (c) If an owner to whom a permit has been issued, or
11 that owner's agent, applies for renewal of the permit, and
12 the application for the renewal is received in an office of
13 the department, or is postmarked if mailed, after March
14 31 but on or before April 30, the department shall accept
15 the application and, upon payment of an additional late
16 fee of one hundred dollars (\$100), the department shall
17 issue the permit for use of the permitted vessel in the
18 subsequent permit year.

19 (d) If the department does not receive a vessel permit
20 renewal application for any vessel for which a vessel
21 permit has been issued, the department shall notify the
22 owner of the vessel. The notice shall be in writing, shall
23 be addressed to the owner at the address listed on his or
24 her most recent vessel permit or vessel permit renewal
25 application, and shall be sent by first-class mail not later
26 than April 20. The notice shall include all of the following:

27 (1) Instruction on how to apply for vessel permit
28 renewal.

29 (2) Information on the provisions of subdivision (c).

30 (3) Information on the provisions of subdivision (f).

31 (e) The department shall suspend any late fees
32 otherwise due under subdivision (c) and shall issue a
33 permit for use of the permitted vessel in the subsequent
34 permit year if the department is unable to accept
35 applications for renewal of permits by March 1.

36 (f) Except as provided in subdivision (c), the
37 department shall not renew a permit for which the
38 application for renewal is not received, or, if mailed, is
39 received or postmarked after expiration of the permit.



1 (g) The applicant for a permit issued or renewed
2 under this article shall certify under penalty of perjury
3 that the person to whom the permit is to be issued is the
4 owner of the vessel for the first issuance or renewal of a
5 permit on and after January 1, 1989.

6 SEC. 24. Section 8246 of the Fish and Game Code is
7 amended to read:

8 8246. (a) At any time after notice of an order
9 suspending or revoking of a person's commercial salmon
10 fishing privilege is issued by the commission, and before
11 the order of suspension or revocation is final, the
12 commission may, with the agreement of the person
13 subject to the action, compromise or dismiss the action to
14 suspend or revoke the commercial salmon fishing
15 privilege in the best interests of the state, or the
16 commission may compromise or dismiss the action with
17 the agreement of the person subject to the action on
18 terms and conditions, which may include, but are not
19 limited to, the payment of civil damages, the reduction of
20 a revocation to a suspension for a specified period of time,
21 or any other terms and conditions.

22 (b) The commission, after notice and opportunity for
23 hearing and consultation with the review board, may
24 suspend or revoke the commercial fishing privilege,
25 authorized under a license issued for the purposes of
26 Section 7850 or 7852.3, for any violation of a term or
27 condition of an agreement to compromise or dismiss a
28 separate suspension or revocation action which was made
29 pursuant to subdivision (a).

30 (c) If the commission orders a suspension or
31 revocation of a person's commercial salmon fishing
32 privilege, any permit issued pursuant to this article shall
33 be renewed when the next renewal is due or the permit
34 shall expire as provided in Section 8233.

35 (d) Subdivision (b) does not apply if an action is
36 brought to recover civil damages under Section 2014 from
37 the person subject to action under this section.

38 SEC. 25. Section 8254 of the Fish and Game Code is
39 amended to read:

1 8254. (a) Lobsters shall not be taken for commercial
2 purposes except under a valid lobster permit issued to
3 that person that has not been suspended or revoked,
4 subject to regulations adopted by the commission.

5 (b) Every person who takes, assists in taking, possesses,
6 or transports lobsters for commercial purposes while on
7 any boat, barge, or vessel, or who uses or operates or
8 assists in using or operating any boat, net, trap, line, or
9 other appliance to take lobsters for commercial purposes,
10 shall have a valid lobster permit.

11 (c) The permit fee for a lobster permit is two hundred
12 sixty-five dollars (\$265).

13 (d) *The fee for a lobster crewmember permit is one*
14 *hundred twenty-five dollars (\$125). This subdivision shall*
15 *become operative on April 1, 1997.*

16 SEC. 26. Section 8256 of the Fish and Game Code is
17 repealed.

18 SEC. 27. Section 8275 of the Fish and Game Code is
19 amended to read:

20 8275. Unless the provision or context otherwise
21 requires, the definitions in this section govern the
22 construction of this article.

23 (a) "Dungeness crab" or "market crab" means crab of
24 the species *Cancer magister*.

25 (b) "Reconstruction" means major work on the hull of
26 a vessel to make that vessel operable in the California
27 crab fishery if that work may reasonably be expected to
28 be of a duration that will preclude operation of that vessel
29 in the crab fishery for the length of the crab season or
30 longer.

31 (c) "Rock crab" means any crab of the genus *Cancer*
32 other than Dungeness crab and includes rock crab
33 (*Cancer antennarius*), red crab (*Cancer productus*), and
34 yellow crab (*Cancer anthonyi*).

35 (d) "Under construction" means having plans and
36 materials and proceeding with work toward the
37 completion of an operational Dungeness crab fishing
38 vessel.

39 SEC. 28. Section 8280.1 of the Fish and Game Code is
40 amended to read:



1 8280.1. (a) No person shall use a vessel to take,
2 possess, or land Dungeness crab for commercial purposes
3 using Dungeness crab traps authorized pursuant to
4 Section 9011, unless the owner of that vessel has a
5 Dungeness crab vessel permit for that vessel that has not
6 been suspended or revoked.

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

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

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

39 (3) A person who has a commercial fishing license
40 issued pursuant to Section 7852 that has not been



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

33 (4) A person who has a commercial fishing license
34 issued pursuant to Section 7852 that has not been
35 suspended or revoked, who meets one of the following
36 conditions:

37 (A) The person held a Dungeness crab permit issued
38 pursuant to Section 8280 as it read on April 1, 1994, and
39 participated in the Dungeness crab fishery between
40 November 1, 1984, and April 1, 1994, and is the owner of



1 a vessel that has been registered with the department in
2 each of the 1991–92, 1992–93, and 1993–94 permit years
3 but did not make landings or the department records do
4 not indicate a minimum of four landings per season for
5 three Dungeness crab seasons from that vessel or in that
6 person’s name because of a partnership or other working
7 arrangement where the person was working aboard
8 another vessel engaged in the Dungeness crab fishery in
9 California.

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

24 (C) The person held a Dungeness crab vessel permit
25 issued under Section 8280 as it read on April 1, 1994, or was
26 an officer in a California corporation that was licensed
27 pursuant to Article 7 (Commencing with section 8030) as
28 of April 1, 1994, and began construction or reconstruction
29 of a vessel on or before January 1, 1992, for the purpose of
30 engaging in the Dungeness crab fishery, including the
31 purchase of equipment and gear to engage in that fishery
32 in California. A person may be issued a permit under this
33 condition only if the person intended in good faith to
34 participate in the California Dungeness crab fishery, a
35 denial of a permit would create a financial hardship on
36 that person, and, for purposes of determining financial
37 hardship, the applicant is a nonresident and cannot
38 participate with his or her vessel or vessels in the
39 Dungeness crab fishery of another state because of that



1 state's limited entry or moratorium on the issuance of
2 permits for the taking of Dungeness crab.

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

27 (6) A person who held a Dungeness crab permit issued
28 under Section 8280 as it read on April 1, 1994, who made
29 a minimum of four landings utilizing traps in this state in
30 each of three Dungeness crab seasons in the period
31 between November 1, 1984, and April 1, 1994, in his or her
32 name from a vessel operated by that person as
33 ~~documented by landing receipts delivered to the~~
34 ~~department pursuant to Section 8046, who currently does~~
35 *documented by landing receipts, who currently does* not
36 own a vessel in his or her name, and who has not sold or
37 transferred a vessel otherwise qualifying for a permit
38 under this section. A permit may be issued under this
39 paragraph for a vessel not greater in size than the vessel
40 from which the previous landings were made, and, in no



1 event, for a vessel of more than 60 feet overall length, to
2 be placed on a vessel that the person purchases or
3 contracts for construction on or before April 1, 1996. A
4 permit issued under this paragraph shall be
5 nontransferable and shall not be used for a vessel not
6 owned by that person, and shall be revoked if the person
7 (A) fails to renew the permit or annually renew his or her
8 commercial fishing license issued pursuant to Section
9 7852 or (B) is or becomes the owner of another vessel
10 permitted to operate in the Dungeness crab fishery
11 pursuant to this section.

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

20 (d) No person shall be issued a Dungeness crab vessel
21 permit under this section for any vessel unless that person
22 has a *valid* commercial fishing license issued pursuant to
23 Section 7852 that has not been suspended or revoked.

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

34 (f) The department may waive the requirement that
35 a person own a commercial fishing vessel that has been
36 registered with the department pursuant to Section 7881
37 in each of the 1991–92, 1992–93, and 1993–94 permit years
38 for one of those required years under this section only if
39 the vessel was registered and used in the California
40 Dungeness crab fishery during the registration year



1 immediately prior to the year for which the waiver is
2 sought and was registered and used in the California
3 Dungeness crab fishery after the year for which the
4 waiver is sought and if the reason for the failure to register
5 in the year for which the waiver is sought was due to a
6 death, illness, or injury, or other hardship, as determined
7 by the review panel, that prevented the vessel from being
8 registered and operated in the fishery for that
9 registration year.

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

19 (h) This section shall become inoperative on April 1,
20 2001, and, as of January 1, 2002, is repealed, unless a later
21 enacted statute, which becomes effective on or before
22 January 1, 2002, deletes or extends the dates on which it
23 becomes inoperative and is repealed.

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

26 8280.2. (a) The owner of a Dungeness crab vessel, for
27 purposes of this section, may include a person with a bona
28 fide contract for the purchase of a vessel who otherwise
29 meets all other qualifications for a Dungeness crab vessel
30 permit. If a contract is found to be fraudulent or written
31 or entered into for the purposes of circumventing
32 qualification criteria for the issuance of a permit, the
33 applicant shall be permanently ineligible for a Dungeness
34 crab vessel permit.

35 (b) A Dungeness crab vessel permit shall be issued
36 only to the person owning the vessel at the time of
37 application for that permit. No person shall be issued
38 more than one permit for each vessel owned by that
39 person and qualifying for a permit pursuant to Section
40 8280.1.



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

10 (d) Dungeness crab vessel permits shall not be
11 combined or otherwise aggregated for the purpose of
12 replacing smaller vessels in the fishery with a larger
13 vessel, and a permit shall not be divided or otherwise
14 separated for the purpose of replacing a vessel in the
15 fishery with two or more smaller vessels.

16 ~~(e) Notwithstanding Section 7852.2, applications for~~

17 (e) *Applications for* renewal of all Dungeness crab
18 vessel permits shall be received by the department, or, if
19 mailed, postmarked, by April 30 of each year. In order for
20 a vessel to retain eligibility, a permit shall be obtained
21 each year subsequent to the initial permit year and the
22 vessel shall be registered pursuant to Section 7881. The
23 vessel owner shall have a *valid* commercial fishing license
24 issued *to that person* valid pursuant to Section 7852 *that*
25 *has not been suspended or revoked*. No minimum
26 landings of Dungeness crab shall be required annually to
27 be eligible for a Dungeness crab vessel permit.

28 (f) This section shall become inoperative on April 1,
29 2001, and, as of January 1, 2002, is repealed, unless a later
30 enacted statute, which becomes effective on or before
31 January 1, 2002, deletes or extends the dates on which it
32 becomes inoperative and is repealed.

33 SEC. 30. Section 8280.4 of the Fish and Game Code is
34 amended to read:

35 8280.4. (a) The commission may revoke the
36 commercial fishing license issued pursuant to Section
37 7852 of any person owning a fishing vessel engaging in the
38 taking or landing of Dungeness crab by traps for which
39 that person has not obtained a Dungeness crab vessel



1 permit, and the commission may revoke the registration,
2 issued pursuant to Section 7881, for that vessel.

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

8 SEC. 31. Section 8300.1 of the Fish and Game Code,
9 as added by Chapter 1216 of the Statutes of 1992, is
10 amended to read:

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

17 SEC. 32. Section 8300.1 of the Fish and Game Code,
18 as added by Chapter 701 of the Statutes of 1992, is
19 repealed.

20 SEC. 33. Section 8306.6 of the Fish and Game Code is
21 amended to read:

22 8306.6. A commercial abalone diving permit shall be
23 revoked by a court upon conviction of a violation
24 punishable under Section 8311 or 8312, as provided in
25 those sections. The court shall notify the department
26 upon conviction of any person of that violation.

27 SEC. 34. Section 8312 of the Fish and Game Code is
28 amended and renumbered to read:

29 12006.6. Notwithstanding Section 12000, and in
30 addition to Section 12009, and notwithstanding the type
31 of fishing license or permit held, if any person is convicted
32 of a violation of Section 8305 or 8305.11, the offense occurs
33 in an area closed to the taking of abalone for commercial
34 purposes north of Point Lobos in District 10, and the
35 person takes or possesses 36 or more abalone, that person
36 shall be punished by all of the following:

37 (a) A fine of five times the market value of the abalone
38 taken or in possession, or ten thousand dollars (\$10,000),
39 whichever is greater.



1 (b) The court shall order the department to
2 permanently revoke, and the department shall
3 permanently revoke, the commercial fishing license and
4 any commercial fishing permits of that person. The
5 person punished under this subdivision shall not,
6 thereafter, be eligible for any license or permit to take or
7 possess fish for sport or commercial purposes, including,
8 but not limited to, a commercial fishing license or a
9 sportfishing or sport ocean fishing license.
10 Notwithstanding any other provision of law, the
11 commercial license or permit of a person arrested for a
12 violation punishable under this section may not be sold,
13 transferred, loaned, leased, or used as security for any
14 financial transaction until disposition of the charges is
15 final.

16 (c) Any vessel, diving or other fishing gear or
17 apparatus, or vehicle used in the commission of an offense
18 punishable under this section shall be seized, and shall be
19 ordered forfeited in the same manner prescribed for nets
20 or traps used in violation of this code in Article 3
21 (commencing with Section 8630) of Chapter 3, or in the
22 manner prescribed in Section 12157.

23 (d) Not less than 50 percent of the revenue deposited
24 in the Fish and Game Preservation Fund from fines and
25 forfeitures collected pursuant to this section shall be
26 allocated for the support of the Special Operations Unit
27 of the Wildlife Protection Division of the department and
28 used for law enforcement purposes.

29 SEC. 35. Section 8394 of the Fish and Game Code is
30 amended to read:

31 8394. Swordfish shall not be taken, *possessed, or*
32 *landed* by a person for commercial purposes except
33 under a valid swordfish ~~harpoon-permit~~ *permit*. *At least*
34 *one person aboard the boat shall have a swordfish permit*
35 issued to that person that has not been revoked or
36 suspended, subject to regulations adopted by the
37 commission.

38 SEC. 36. Section 8396 of the Fish and Game Code is
39 amended to read:



1 8396. (a) Sea cucumbers shall not be taken,
2 *possessed, or landed* by a person for commercial purposes
3 except under a valid sea cucumber permit issued to that
4 person that has not been suspended or revoked.

5 (b) To qualify for a permit an applicant shall prove to
6 the director's satisfaction that the applicant landed a
7 minimum of 50 pounds of sea cucumbers during any
8 calendar year, or portion thereof, from January 1, 1988, to
9 June 30, 1991, inclusive.

10 (c) The fee for a sea cucumber permit shall be two
11 hundred fifty dollars (\$250).

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

15 (e) This section shall become inoperative on April 1,
16 1998, and as of January 1, 1999, is repealed, unless a later
17 enacted statute, which becomes effective on or before
18 January 1, 1999, deletes or extends the dates on which it
19 becomes inoperative and is repealed.

20 SEC. 37. Section 8397 of the Fish and Game Code is
21 amended to read:

22 8397. (a) If this section is operative as provided in
23 Section 8397.1, the owner or operator of a commercial
24 fishing vessel taking hagfish for commercial purposes
25 shall have a hagfish permit issued to that person that has
26 not been revoked or suspended.

27 (b) The department shall issue permits to the owner
28 or operator of a commercial fishing vessel registered
29 pursuant to Section 7881.

30 (c) The fee for a hagfish permit shall be two hundred
31 fifty dollars (\$250).

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

35 (1) Hagfish may only be taken with traps, subject to
36 Article 1 (commencing with Section 9000) of Chapter 4,
37 except that a hagfish fisherman operating under a hagfish
38 permit is not required to possess a general trap permit
39 pursuant to Section 9001.



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

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

16 SEC. 38. Section 8500 of the Fish and Game Code is
17 amended to read:

18 8500. Except as otherwise expressly permitted in this
19 chapter, no mollusks, crustaceans, or other invertebrates
20 may be taken, possessed, or landed for commercial
21 purposes by any person in any tide pool or tidal area,
22 including tide flats or other areas between the high
23 tidemark and 1,000 feet beyond the low tidemark, unless
24 a valid tidal invertebrate permit has been issued to that
25 person that has not been suspended or revoked. The
26 taking, possessing, or landing of mollusks, crustaceans, or
27 other invertebrates pursuant to this section shall be
28 subject to regulations adopted by the commission.

29 SEC. 39. Section 8550 of the Fish and Game Code is
30 amended to read:

31 8550. Herring may be taken for commercial purposes
32 only under a permit, subject to regulations adopted by the
33 commission. The commission may, whenever necessary
34 to prevent overutilization, to ensure efficient and
35 economic operation of the fishery, or to otherwise carry
36 out this article, limit the total number of permits that are
37 issued and the amount of herring that may be taken
38 under the permits.

39 The commission, in limiting the total number of
40 permits, shall take into consideration any restriction of



1 the fishing area and the safety of others who, for purposes
2 other than fishing, use the waters from which herring are
3 taken.

4 SEC. 40. Section 8561 of the Fish and Game Code is
5 amended to read:

6 8561. (a) Notwithstanding Section 8394, shark and
7 swordfish shall not be taken for commercial purposes
8 with drift gill nets except under a valid drift gill net shark
9 and swordfish permit *issued to that person* that has not
10 been suspended or revoked and is issued to at least one
11 person aboard the boat.

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

17 SEC. 41. Section 8567 of the Fish and Game Code is
18 amended to read:

19 8567. The fee for a drift gill net shark and swordfish
20 permit shall be three hundred thirty dollars (\$330).

21 SEC. 42. Section 8597 of the Fish and Game Code is
22 amended to read:

23 8597. (a) It is unlawful for any person to take, possess,
24 or land *for* marine aquaria pet trade purposes any live
25 organisms identified in subdivision (b), unless that person
26 has a valid marine aquaria collector's permit that has not
27 been suspended or revoked.

28 (b) Except as provided in Section 8598.2, specimens of
29 the following groups or species may be taken, possessed,
30 or landed under a marine aquaria collector's permit:

31 (1) Marine plants:

32 (A) Chlorophyta.

33 (B) Phaeophyta.

34 (C) Rhodophyta.

35 (D) Spermatophyta, all species.

36 (2) Invertebrates:

37 (A) Polychaeta—worms; all species.

38 (B) Crustacea—shrimp, crabs; all species, except the
39 following:

40 (i) Dungeness crab—Cancer magister.



- 1 (ii) Yellow crab—*Cancer anthonyi*.
 2 (iii) Red crab—*Cancer productus*.
 3 (iv) Sheep crab—*Loxorhyuchus grandis*.
 4 (v) Spot prawn—*Pandalus platyceros*.
 5 (vi) Ridgeback prawn—*Sicyonia ingentis*.
 6 (vii) Golden prawn—*Penaeus californiensis*.
 7 (viii) Sand crab—*Emerita analoga*.
 8 (ix) Redrock shrimp—*Lysmata californica*.
 9 (x) Bay shrimp—*Crangon* sp. and *Palaemon*
 10 *macrodactylus*.
 11 (xi) Ghost shrimp—*Callinassa* sp.
 12 (C) Asteroidea—Sea stars; all species.
 13 (D) Ophiuroidea—Brittle stars; all species.
 14 (E) Gastropoda—snails, limpets, sea slugs; all species,
 15 except Kellet's whelk—*Kelletia kelletii*.
 16 (F) Bivalvia—clams and mussels; all species.
 17 (G) Polyplacophora—Chitons; all species.
 18 (H) Cephalopoda—Octopuses and squids; all species,
 19 except two spot octopuses—*Octopus bimaculatus* and
 20 *Octopus maculoides*—and market squid—*Loligo*
 21 *opalescens*.
 22 (I) Tunicata—Sea squirts; all species.
 23 (3) Vertebrates:
 24 (A) Osteichthyes—Finfishes; all species, except the
 25 following:
 26 (i) Rockfish—*Sebastes* sp. larger than six inches total
 27 length.
 28 (ii) Sheephead—*Semicossyphus pulcher* larger than
 29 six inches total length.
 30 (iii) Anchovy—*Engraulis mordax*.
 31 (iv) Sardine—*Sardinops sagax*.
 32 (v) Pacific/chub mackerel—*Scomber japonicus*.
 33 (vi) Jack mackerel—*Trachurus symmetricus*.
 34 (vii) Queenfish—*Seriphus politus*.
 35 (viii) White Croaker—*Seriphus genyonemus lineatus*.
 36 (ix) Top smelt—*Atherinops affinis*.
 37 (x) Grunion—*Leuresthes tenuis*.
 38 (xi) Shiner surf perch—*Cymatogaster aggregata*.
 39 (xii) Longjawed mudsucker—*Gillichthys mirabilis*.



1 (B) Chondrichthyes—sharks, rays, and skates; all
2 species less than 18 inches total length.

3 (c) The holder of a permit issued pursuant to this
4 section is not required to obtain or possess a kelp
5 harvester's license issued pursuant to Section 6651, a tidal
6 invertebrate permit issued pursuant to Section 8500, or a
7 general trap permit issued pursuant to Article 1
8 (commencing with Section 9000) of Chapter 4, when
9 taking, possessing, or landing live organisms for marine
10 aquaria pet trade purposes pursuant to subdivision (b),
11 subject to regulations governing the taking of tidal
12 invertebrates. The commission shall adopt regulations to
13 implement this subdivision, and, for that purpose, may
14 incorporate other regulations by reference.

15 SEC. 43. Section 8598 of the Fish and Game Code is
16 amended to read:

17 8598. (a) Notwithstanding Section 8140 or
18 subdivision (b) of Section 8597, specimens of the
19 following groups or species shall not be taken, possessed,
20 or landed for commercial purposes:

21 (1) Invertebrates:

22 (A) Phylum Porifera—all sponges.

23 (B) Genus *Pelagia* sp.—jellyfish.

24 (C) Coelenterata—corals, anemones; all species.

25 (D) Order Gorgonacea—all gorgonians.

26 (E) Order Pennatulacea—all species, except *Renilla*
27 *kollikeri*.

28 (F) Feather-duster worm—*Eudistylia polymorpha*.

29 (G) Fiddler crab—*Uca crenulata*.

30 (H) Umbrella crab—*Cryptolithodes sitchensis*.

31 (I) Stalked or goose barnacles—*Pollicipes* sp.

32 (J) Giant acorn barnacle—*Balanus nubilus* or *B. aguilula*.

33 (K) Owl limpet—*Lottia gigantea*.

34 (L) Coffee bean shells—*Trivia* sp.

35 (M) Three-winged murex—*Pteropurpura trialata*.

36 (N) Vidler's simnia—*Simnia vidleri*.

37 (O) Queen tegula—*Tegula regina*.

38 (P) Opisthobranchia (including nudibranchs)—all
39 subclass Opisthobranchia species except:

- 1 (i) Sea hares—*Aplysia californica* and *Aplysia*
2 *vaccaria*.
3 (ii) *Hermisenda crassicornis*.
4 (iii) Lion’s mouth—*Melibe leonina*.
5 (iv) *Aeolidia papillosa*.
6 (v) Spanish shawl—*Flabellina iodinea*.
7 (2) Vertebrates:
8 (A) All shark and ray eggcases.
9 (B) Brown smoothhound sharks—*Mustelus*
10 *hinlei*—that are less than 18 inches in a whole condition
11 or dressed with head and tail removed.
12 (C) Family Agonidae—all poachers.
13 (D) Wolf-eel—*Anarrhichthys ocellatus*.
14 (E) Juvenile sheephead—*Semicossyphus pulcher*
15 (under 6 inches).
16 (F) Garibaldi—*Hypsypops rubicundus*, except as
17 provided in subdivision (b).
18 (3) Live rocks.
19 (A) Rocks with living organisms attached, commonly
20 called “live rocks,” shall not be taken or possessed except
21 as provided in subparagraph (C).
22 (B) Rocks shall not be broken to take marine aquaria
23 species, and any rock displaced to access any of those
24 species shall be returned to its original position.
25 (C) Rocks cultured under the authority of an
26 aquaculture registration may be possessed.
27 (b) Garibaldi—*Hypsypops rubicundus* may not be
28 taken or possessed under a marine aquaria collector’s
29 permit until February 1, 1999, unless a study, the
30 methodology of which is approved by the department,
31 shows a less than significant impact on the population of
32 the garibaldi resource from that taking. On and after
33 February 1, 1999, garibaldi may be taken, possessed, or
34 landed under that permit for marine aquaria pet trade
35 purposes only from October 31 to February 1, inclusive.
36 (c) No organisms may be taken, possessed, or landed
37 for marine aquaria pet trade purposes under the terms of
38 a marine aquaria collector’s permit in any of the following
39 areas:



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

5 (2) On the south or "back" side of Santa Catalina
6 Island from a line extending three nautical miles 90
7 degrees true from Church Rock to a line extending three
8 nautical miles 270 degrees true from the extreme west
9 end of the island.

10 (3) Marine life refuges, marine reserves, ecological
11 reserves, and state reserves.

12 SEC. 44. Section 8598.3 of the Fish and Game Code is
13 amended to read:

14 ~~8598.3. (a) Except as provided in subdivision (c) of~~
15 ~~Section 8597, the requirement for a marine aquaria~~
16 ~~collector's permit is in addition to any other commercial~~
17 ~~fishing requirements.~~

18 ~~(b)~~

19 8598.3. (a) The fee for a marine aquaria collector's
20 permit shall be three hundred thirty dollars (\$330).

21 ~~(c)~~

22 (b) A person engaged in taking, possessing, or landing
23 marine species under a marine aquaria collector's permit
24 shall not take, possess, or land any species under the
25 authority of a scientific collector's permit issued pursuant
26 to Section 1002, 5515, or 10660 on the same fishing trip.

27 SEC. 45. Section 8598.5 of the Fish and Game Code is
28 repealed.

29 SEC. 46. Section 8837 of the Fish and Game Code is
30 amended to read:

31 8837. It is unlawful to use or possess any trawl net
32 which includes any bag or cod-end or modification
33 thereof, other than a bag or cod-end of a single layer of
34 webbing.

35 SEC. 47. Section 8839 of the Fish and Game Code is
36 repealed.

37 SEC. 48. Section 8842 of the Fish and Game Code, as
38 amended by Chapter 935 of the Statutes of 1994, is
39 amended to read:



1 8842. (a) Trawl nets of a design prescribed by the
2 commission may be used or possessed to take shrimps or
3 prawns under a permit issued by the department under
4 regulations adopted by the commission.

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

8 (b) When fishing for pink shrimp (*Pandalus jordani*)
9 under a permit issued pursuant to this section, it is
10 unlawful to possess in excess of 1,500 pounds of
11 incidentally taken fish per calendar day of a fishing trip,
12 except Pacific whiting, shortbelly rockfish, and
13 arrowtooth flounder, which may be taken in any amount
14 not in excess of federal regulations. No Pacific halibut and
15 not more than 150 pounds of California halibut shall be
16 possessed or landed when fishing under a permit issued
17 pursuant to this section. When fishing for ridgeback
18 prawn and spotted prawn under a permit issued pursuant
19 to this section, it is unlawful to possess in excess of 1,000
20 pounds of incidentally taken fish per trip.

21 (c) This section shall become operative on April 1,
22 1997.

23 SEC. 49. Section 9001 of the Fish and Game Code is
24 amended to read:

25 9001. (a) Finfish, mollusks, or crustaceans shall not
26 be taken by a person with traps for commercial purposes
27 in ocean waters except under a valid general trap permit
28 issued to that person that has not been suspended or
29 revoked.

30 (b) Any person who operates or assists in operating
31 any trap to take finfish, mollusks, or crustaceans, other
32 than lobster or Dungeness crabs, as defined in Section
33 8275, or who possesses or transports finfish, mollusks, or
34 crustaceans on any boat, barge, or vessel when any trap
35 is aboard, shall have a general trap permit issued to that
36 person that has not been revoked or suspended while
37 engaged in the activity.

38 (c) The fee for the general trap permit shall be
39 ~~established by the director in an amount not to exceed the~~



1 ~~cost of administration of this article, or thirty-five dollars~~
2 ~~(\$35), whichever is more. thirty-five dollars (\$35).~~

3 (d) This section does not apply to the taking of lobster
4 under Section 9010 or to the taking of Dungeness crab
5 under Section 9011.

6 SEC. 50. Section 9001.5 of the Fish and Game Code is
7 amended to read:

8 9001.5. Notwithstanding Section 9001, finfish, *other*
9 *than hagfish taken pursuant to Sections 8397 and 8397.1,*
10 shall not be taken with traps for commercial purposes in
11 ocean waters between a line extending due west true
12 from Point Arguello in Santa Barbara County and the
13 United States-Mexico international boundary line except
14 under a valid finfish trap permit issued to the person that
15 has not been suspended or revoked. At least one person
16 aboard each commercial fishing vessel shall have a valid
17 finfish trap permit. A finfish trap permit shall only be
18 issued as follows:

19 (a) For the 1996–97 permit year, to any person who
20 held a general trap permit during the 1995–96 permit
21 year that has not been suspended or revoked and who
22 landed finfish taken in traps for commercial purposes
23 during the 1995–96 permit year in this state as reported
24 on one or more fish landing receipts ~~signed by the~~
25 ~~applicant and delivered to the department pursuant to~~
26 ~~Section 8046.~~

27 (b) For the 1997–98 permit year and thereafter, to any
28 person who held a finfish trap permit to take finfish
29 during the immediately preceding permit year that has
30 not been suspended or revoked and who landed at least
31 50 pounds of finfish taken in finfish traps as reported on
32 one or more fish landing receipts ~~signed by the applicant~~
33 ~~and submitted to the department pursuant to Section~~
34 ~~8046~~ during the immediately preceding permit year.
35 Applications for renewal of a finfish trap permit shall be
36 received by the department, or, if mailed, postmarked, by
37 May 31 of each year.

38 (c) Any applicant who is denied a finfish trap permit,
39 for any reason, may appeal the denial to the commission
40 in writing, describing the basis for the appeal. The appeal



1 shall be received by the commission not later than 60 days
2 after the date of denial.

3 SEC. 51. Section 9001.6 of the Fish and Game Code is
4 amended to read:

5 9001.6. (a) A finfish trap permit issued pursuant to
6 Section 9001.5 authorizes finfish to be taken with finfish
7 traps only subject to the following limitations:

8 (1) No lobster shall be possessed aboard or landed
9 from any vessel for commercial purposes on which finfish
10 are also present unless at least one person on board has a
11 valid finfish trap permit issued to that person pursuant to
12 Section 9001.5 that has not been suspended or revoked
13 and every person on board has a valid lobster permit
14 issued pursuant to Section 8254 that has not been
15 suspended or revoked and is in compliance with this
16 article and Article 5 (commencing with Section 8250) of
17 Chapter 2 and the regulations adopted pursuant to these
18 articles. Lobster shall not be used as bait in finfish traps,
19 and any lobster found in finfish traps that may not be
20 possessed pursuant to this article or Article 5
21 (commencing with Section 8250) of Chapter 2 shall be
22 returned to the water immediately.

23 (2) During the period from one hour after sunset to
24 one hour before sunrise finfish traps that are left in the
25 water shall be unbaited with the door secured open.
26 However, if, for reasons beyond the control of the
27 permittee, all trap doors cannot be secured open prior to
28 one hour after sunset, the permittee shall immediately
29 notify the department.

30 (3) Timed buoy release mechanisms commonly
31 termed "popups" shall not be used on buoy lines attached
32 to finfish traps.

33 (4) Trap destruction devices used on finfish traps shall
34 conform to the current requirements for those devices
35 adopted by the commission.

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

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



1 (7) The mesh of any finfish trap shall measure two
2 inches by two inches.

3 (b) The fee for the finfish trap permit issued pursuant
4 to Section 9001.5 is one hundred ten dollars (\$110).

5 (c) Notwithstanding paragraphs (2), (4), (5), (6), and
6 (7) of subdivision (a), under a finfish trap permit issued
7 pursuant to Section 9001.5 and a hagfish permit issued
8 pursuant to Sections 8397 and 8397.1, Korean traps, as
9 defined in paragraph (2) of subdivision (f) of Section
10 8397, or “bucket traps” constructed of plastic buckets of
11 five gallons or less in capacity, may be used to take only
12 hagfish. When Korean traps or bucket traps are being
13 used or possessed aboard a vessel, no species of finfish
14 other than hagfish shall be taken, possessed, or sold for
15 commercial purposes.

16 (d) This section shall become inoperative on April 1,
17 1998, and as of January 1, 1999, is repealed, unless a later
18 enacted statute, which is enacted before January 1, 1999,
19 deletes or extends that date.

20 SEC. 52. Section 9006 of the Fish and Game Code is
21 amended to read:

22 9006. Any buoy used to mark a trap shall be clearly
23 and distinctively marked with a buoy identification
24 number, as follows:

25 (a) The buoy identification number for a lobster trap
26 used to take lobster under a lobster permit issued
27 pursuant to Section 8254 is the commercial fishing license
28 number issued to the operator of the trap pursuant to
29 Section 7852 followed by the letter “P.”

30 (b) The buoy identification number for a trap, which
31 is used under a general trap permit issued pursuant to
32 Section 9001 or a crab trap used to take Dungeness crab
33 under Section 9011 is the commercial fishing license
34 number issued to the operator of the trap pursuant to
35 Section 7852.

36 (c) The buoy identification number for a trap used to
37 take finfish under a finfish trap permit issued pursuant to
38 Section 9001.5 is the commercial fishing license number
39 issued to the operator of the trap pursuant to Section 7852,
40 followed by the letter Z.



1 SEC. 53. Section 9054 of the Fish and Game Code is
2 amended to read:

3 9054. Sea urchins shall not be taken for commercial
4 purposes except under a valid sea urchin diving permit
5 issued to that person that has not been suspended or
6 revoked, subject to regulations adopted by the
7 commission. Rakes, airlifts, or other handheld appliances
8 may be used to take sea urchins. The commission may,
9 whenever necessary to prevent overutilization or to
10 ensure efficient and economic operation of the fishery,
11 limit the number of permits that may be issued. The
12 commission, as it determines appropriate to protect the
13 resource, may limit the number of permits either on a
14 statewide basis or within selected geographical areas.

15 SEC. 54. Section 14000 of the Fish and Game Code is
16 amended to read:

17 14000. The Governor is hereby authorized and
18 directed to execute a compact on behalf of this state with
19 any or all of the States of Alaska, Idaho, Oregon and
20 Washington for the purpose of cooperating with those
21 states in the formation of a Pacific States Marine Fisheries
22 Commission.

23 SEC. 55. Section 14001 of the Fish and Game Code is
24 amended to read:

25 14001. The form and contents of the Pacific Marine
26 Fisheries Compact shall be substantially as provided in
27 this section and the effect of its provisions shall be
28 interpreted and administered in conformity with the
29 provisions of this division:

30

31

PACIFIC MARINE FISHERIES COMPACT

32

33 The contracting states do hereby agree as follows:

34

35

Article I

36

37 The purposes of this compact are and shall be to
38 promote the better utilization of fisheries, marine, shell
39 and anadromous, which are of mutual concern, and to
40 develop a joint program of protection and prevention of



1 physical waste of such fisheries in all of those areas of the
2 Pacific Ocean over which the compacting states jointly or
3 separately now have or may hereafter acquire
4 jurisdiction.

5 Nothing herein contained shall be construed so as to
6 authorize the compacting states or any of them to limit
7 the production of fish or fish products for the purpose of
8 establishing or fixing the prices thereof or creating and
9 perpetuating a monopoly.

10

11 Article II

12

13 This agreement shall become operative immediately as
14 to those states executing it in the form that is in
15 accordance with the laws of the executing state and when
16 the Congress has given its consent.

17

18 Article III

19

20 Each state joining herein shall appoint, as determined
21 by state statutes, one or more representatives to a
22 commission hereby constituted and designated as the
23 Pacific States Marine Fisheries Commission, of whom one
24 shall be the administrative or other officer of the agency
25 of such state charged with the conservation of the
26 fisheries resources to which this compact pertains. This
27 commission shall be invested with the powers and duties
28 set forth herein.

29 The term of each commissioner of the Pacific States
30 Marine Fisheries Commission shall be four years. A
31 commissioner shall hold office until his successor shall be
32 appointed and qualified but such successor's term shall
33 expire four years from legal date of expiration of the term
34 of his predecessor. Vacancies occurring in the office of
35 such commissioner from any reason or cause shall be filled
36 for the unexpired term, or a commissioner may be
37 removed from office, as provided by the statutes of the
38 state concerned. Each commissioner may delegate in
39 writing from time to time, to a deputy, the power to be
40 present and participate, including voting as his



1 representative or substitute, at any meeting of or hearing
2 by or other proceeding of the commission.

3 Voting powers under this compact shall be limited to
4 one vote for each state regardless of the number of
5 representatives.

6
7 Article IV
8

9 The duty of the said commission shall be to make
10 inquiry and ascertain from time to time such methods,
11 practices, circumstances and conditions as may be
12 disclosed for bringing about the conservation and the
13 prevention of the depletion and physical waste of the
14 fisheries, marine, shell, and anadromous in all of those
15 areas of the Pacific Ocean over which the states signatory
16 to this compact jointly or separately now have or may
17 hereafter acquire jurisdiction. The commission shall have
18 power to recommend the coordination of the exercise of
19 the police powers of the several states within their
20 respective jurisdictions and said conservation zones to
21 promote the preservation of those fisheries and their
22 protection against overfishing, waste, depletion or any
23 abuse whatsoever and to assure a continuing yield from
24 the fisheries resources of the signatory parties hereto.

25 To that end the commission shall draft and, after
26 consultation with the advisory committee hereinafter
27 authorized, recommend to the governors and legislative
28 branches of the various signatory states hereto legislation
29 dealing with the conservation of the marine, shell, and
30 anadromous fisheries in all of those areas of the Pacific
31 Ocean over which the states signatory to this compact
32 jointly or separately now have or may hereafter acquire
33 jurisdiction. The commission shall, more than one month
34 prior to any regular meeting of the legislative branch in
35 any state signatory hereto, present to the governor of
36 such state its recommendations relating to enactments by
37 the legislative branch of that state in furthering the
38 intents and purposes of this compact.

39 The commission shall consult with and advise the
40 pertinent administrative agencies in the signatory states

1 with regard to problems connected with the fisheries and
2 recommend the adoption of such regulations as it deems
3 advisable and which lie within the jurisdiction of such
4 agencies.

5 The commission shall have power to recommend to the
6 states signatory hereto the stocking of the waters of such
7 states with marine, shell or anadromous fish and fish eggs
8 or joint stocking by some or all of such states and when
9 two or more of the said states shall jointly stock waters the
10 commission shall act as the coordinating agency for such
11 stocking.

12
13 Article V
14

15 The commission shall elect from its number a chairman
16 and a vice chairman and shall appoint and at its pleasure
17 remove or discharge such officers and employees as may
18 be required to carry the provisions of this compact into
19 effect and shall fix and determine their duties,
20 qualifications and compensation. Said commission shall
21 adopt rules and regulations for the conduct of its business.
22 It may establish and maintain one or more offices for the
23 transaction of its business and may meet at any time or
24 place within the territorial limits of the signatory states
25 but must meet at least once a year.

26
27 Article VI
28

29 No action shall be taken by the commission except by
30 the affirmative vote of a majority of the whole number of
31 compacting states represented at any meeting. No
32 recommendation shall be made by the commission in
33 regard to any species of fish except by the vote of a
34 majority of the compacting states which have an interest
35 in such species.

36



1 Article VII

2
3 The fisheries research agencies of the signatory states
4 shall act in collaboration as the official research agency of
5 the Pacific States Marine Fisheries Commission.

6 An advisory committee to be representative of the
7 commercial fishermen, commercial fishing industry and
8 such other interests of each state as the commission
9 deems advisable shall be established by the commission
10 as soon as practicable for the purpose of advising the
11 commission upon such recommendations as it may desire
12 to make.

13
14 Article VIII

15
16 Nothing in this compact shall be construed to limit the
17 powers of any state or to repeal or prevent the enactment
18 of any legislation or the enforcement of any requirement
19 by any state imposing additional conditions and
20 restrictions to conserve its fisheries.

21
22 Article IX

23
24 Continued absence of representation or of any
25 representative on the commission from any state party
26 hereto, shall be brought to the attention of the governor
27 thereof.

28
29 Article X

30
31 The states agree to make available annual funds for the
32 support of the commission on the following basis:

33 Eighty percent of the annual budget shall be shared
34 equally by those member states having as a boundary the
35 Pacific Ocean. Not less than 5 percent of the annual
36 budget shall be contributed by any other member state.
37 The balance of the annual budget shall be shared by those
38 member states having as a boundary the Pacific Ocean,
39 in proportion to the primary market value of the products

1 of their commercial fisheries on the basis of the latest
2 five-year catch records.

3 The annual contribution of each member state shall be
4 figured to the nearest one hundred dollars (\$100).

5

6

Article XI

7

8 This compact shall continue in force and remain
9 binding upon each state until renounced by it.
10 Renunciation of this compact must be preceded by
11 sending six months' notice in writing of intention to
12 withdraw from the compact to the other parties hereto.

13

14

Article XII

15

16 Hawaii or any other state having rivers or streams
17 tributary to the Pacific Ocean may become a contracting
18 state by enactment of the Pacific Marine Fisheries
19 Compact. Upon admission of any new state to the
20 compact, the purposes of the compact and the duties of
21 the commission shall extend to the development of joint
22 programs for the conservation, protection and
23 prevention of physical waste of fisheries in which the
24 contracting states are mutually concerned and to all
25 waters of the newly admitted state necessary to develop
26 such programs.

27 This compact shall become effective upon its
28 enactment by the states signatory to this compact and
29 upon ratification by Congress by virtue of the authority
30 vested in it under Article 1, Section 10, of the Constitution
31 of the United States.

32

33 SEC. 56. Section 14100 of the Fish and Game Code is
34 amended to read:

35 14100. In furtherance of the provisions contained in
36 the compact there shall be three members of the Pacific
37 States Marine Fisheries Commission from the State of
38 California, appointed by the Governor by and with the
39 advice and consent of the Senate. One such commissioner
40 shall be the administrative or other officer of the



1 department or agency of this state charged with the
 2 conservation of its marine fisheries resources; another
 3 commissioner shall be a Member of the Legislature of this
 4 state who is a member of a committee on interstate
 5 cooperation of the said Legislature, and another member
 6 shall be a citizen of this state who shall have wide
 7 knowledge of and interest in the marine fisheries
 8 problem.

9 SEC. 57. No reimbursement is required by this act
 10 pursuant to Section 6 of Article XIII B of the California
 11 Constitution because the only costs that may be incurred
 12 by a local agency or school district will be incurred
 13 because this act creates a new crime or infraction,
 14 eliminates a crime or infraction, or changes the penalty
 15 for a crime or infraction, within the meaning of Section
 16 17556 of the Government Code, or changes the definition
 17 of a crime within the meaning of Section 6 of Article
 18 XIII B of the California Constitution.

19 Notwithstanding Section 17580 of the Government
 20 Code, unless otherwise specified, the provisions of this act
 21 shall become operative on the same date that the act
 22 takes effect pursuant to the California Constitution.

23 _____

24 CORRECTIONS

25 **Text — Pages 4 & 31.**

26 _____

27

