

Assembly Bill No. 3245

CHAPTER 870

An act to amend Sections 355, 702, 1052, 2003, 6596, 7120, 7151, 7652, 7852, 7881, 7921, 8046, 8100, 8231, 8233, 8235, 8246, 8254, 8275, 8280.1, 8280.2, 8280.4, 8305.8, 8306.2, 8306.6, 8308, 8311, 8313, 8314, 8394, 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.

[Approved by Governor September 24, 1996. Filed
with Secretary of State September 25, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3245, 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 of Fish and Game 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 prohibit postdating the date of application or the date of issuance of a license, license tag, or permit and would declare that this prohibition does not apply to the date that a license, license tag, or permit is valid.

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 and would limit the requirements relating to possession of fish for commercial purposes to possession aboard a boat. 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, commencing July 1, 1997, would make the fee for a hunting license for a nonresident under the age of 16 years \$4, as adjusted, and would authorize the issuance of a hunting license for a nonresident 16 years of age or older, valid for 2 consecutive days and for taking only resident and migratory game birds, resident small game mammals, fur-bearing mammals, and nongame mammals, upon payment of a fee of \$25, as adjusted. This bill would also permit the department to waive the permit fee for certain contests, tournaments, and derbies.

(5) Under existing law, groups of mentally or physically handicapped persons under the care of a licensed care center may be issued a free sportfishing permit.

This bill would also permit such a permit to be issued to those groups under the care of a tax-exempt organization, school, or school district.



(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) Under existing law, abalone diving permits that authorize the taking of abalone for commercial purposes are required to be issued to prior permittees who landed specified quantities of abalone in the preceding calendar year. Existing law provides for appeals to the commission for nonuse of a permit for reasons beyond the control of an applicant. Existing law also makes it unlawful, until January 1, 1997, to take abalone for commercial purposes in the mainland coastal waters from Palos Verdes Point to Dana Point.

This bill would delete that landing requirement and appeals process for failure to meet the landing requirement and, instead, would require those permits to be issued to persons who held a valid



abalone diving permit in the immediately preceding permit year that has not been suspended or revoked. This bill would extend to January 1, 2002, the ban on taking abalone for commercial purposes in the coastal waters from Palos Verdes Point to Dana Point, thereby imposing a state-mandated local program by continuing in effect a crime that would otherwise be repealed.

(12) Until January 1, 1997, existing law prohibits the holder of an abalone diving permit to possess, transport, control, or land more than 180 each of red, green, pink, or black abalone on any day or possess more than 360 total of any one species of abalone on a vessel at any time. Thereafter, that prohibition applies only to black abalone. Until January 1, 1997, existing law requires a court to order the department to permanently revoke the commercial fishing license and any commercial fishing permits of a person convicted of possession, transportation, or control limits on abalone for commercial purposes under certain conditions.

This bill would extend those provisions to January 1, 2002, thereby imposing a state-mandated local program by extending the operation of a crime.

(13) Existing law imposes special fines and license revocation requirements for conviction of possession of sevenfold excesses over the bag limit of abalone taken under a sportfishing or a sport ocean fishing license until January 1, 1997.

This bill would extend those special fines and license revocation requirements to January 1, 2002, thereby imposing a state-mandated local program by extending the operation of a crime.

(14) Under existing law, until January 1, 1997, a person who is required to pay a landing tax for abalone brought ashore for commercial purposes is required to pay an additional tax of $19\frac{1}{2}\text{¢}$ in addition to each pound or fraction thereof to be deposited in the Fish and Game Preservation Fund and used for the Abalone Resources Restoration and Enhancement Program.

This bill would extend the collection of the additional tax until January 1, 2002, and would make an appropriation by authorizing the use of the revenues from the tax which are deposited in a continuously appropriated fund for the purposes of the program until January 1, 2003.

(15) Existing law authorizes not more than 15% of the revenues from the additional landing tax for abalone to be used for administration by the department.

This bill would make an appropriation by authorizing the use of those revenues for administration until January 1, 2003, in an amount equal to the regularly approved departmental indirect overhead rate.

(16) 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.

(17) Existing law, until January 1, 1997, limits the persons to whom permits to take pink shrimp may be issued.

This bill would extend that limitation to April 1, 1999.

(18) 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.

(19) 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.

(20) 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.

(21) 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.

(22) 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.

Appropriation: yes.

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

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



316.5. The commission may prohibit the taking or possessing of salmon in the same manner as the taking or possessing of salmon is prohibited by federal law or by rules or regulations adopted by the United States Secretary of Commerce, notwithstanding any other provision of this code.

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

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

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

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

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

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

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

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

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

SEC. 4.5. Section 702 of the Fish and Game Code is amended to read:

702. This code shall be administered and enforced through regulations adopted only by the department, except as otherwise specifically provided by this code or where this code requires the commission to adopt regulations.

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



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

- (a) Transfer any license, license tag, license stamp, permit, application, or reservation.
- (b) Use or possess any license, license tag, license stamp, permit, application, or reservation that was not lawfully issued to the user thereof or that was obtained by fraud, deceit, or the use of a fake or counterfeit application form.
- (c) Use or possess any fake or counterfeit license, license tag, license stamp, permit, permit application form, band, or seal, made or used for the purpose of evading any of the provisions of this code, or regulations adopted pursuant thereto.
- (d) Predate or fail to date any license, license tag, or permit.
- (e) Postdate the date of application or the date of issuance of the license, license tag, or permit. This subdivision does not apply to the date that a license, license tag, or permit is valid.
- (f) Alter, mutilate, deface, duplicate, or counterfeit any license, license tag, permit, permit application form, band, or seal, or entries thereon, to evade the provisions of this code, or any regulations adopted pursuant thereto.

SEC. 5.5. Section 2003 of the Fish and Game Code is amended to read:

2003. (a) Except as specified in subdivisions (b) and (c), it is unlawful to offer any prize or other inducement as a reward for the taking of any game birds, mammals, fish, reptiles, or amphibia in an individual contest, tournament, or derby.

(b) The department may issue a permit to any person authorizing that person to offer a prize or other inducement as a reward for the taking of any game fish, as defined by the commission by regulation, if it finds that there would be no detriment to the resource. The permit is subject to regulations adopted by the commission. The application for the permit shall be accompanied by a fee in the amount determined by the department as necessary to cover the reasonable administrative costs incurred by the department in issuing the permit. However, the department may waive the permit fee if the contest, tournament, or derby is for persons under the age of 16 years, or who are physically or mentally challenged, the primary purpose of the contest, tournament, or derby is to introduce young anglers to, or educate them about, fishing, and the total value of all prizes or other inducements does not exceed five hundred dollars (\$500). All permits for which the fee is waived pursuant to this subdivision shall comply with all other requirements set forth in this section. The department may issue the following permits:

(1) An annual permit that covers all contests, tournaments, or derbies in a calendar year where, on each occasion, the number of participants does not exceed 50 and the total value of all prizes or other inducements does not exceed one thousand dollars (\$1,000). The annual permit is subject to terms and conditions that shall



include, but are not limited to, the number, date, and locations of all contests, tournaments, or derbies that are authorized by the permit.

(2) An event permit that covers each contest, tournament, or derby where either the number of participants exceeds 50 or the total value of all prizes or other inducements exceeds one thousand dollars (\$1,000).

(c) This section does not apply to an individual contest, tournament, or derby for the taking of game birds and mammals if the total value of all prizes or other inducements are less than five hundred dollars (\$500) for each contest, tournament, or derby.

(d) This section does not apply to any person conducting what are generally known as frog-jumping contests or fish contests conducted in waters of the Pacific Ocean.

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

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

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

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

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

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

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

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

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

SEC. 6.3. Section 3031 is added to the Fish and Game Code, to read:

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



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

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

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

(4) A person not a resident of this state, 16 years of age or older, valid only for two consecutive days upon payment of a base fee of twenty-five dollars (\$25), as adjusted under Section 713. A license issued pursuant to this paragraph is valid only for taking resident and migratory game birds, resident small game mammals, fur-bearing mammals, and nongame mammals, as defined in this code or in regulations adopted by the commission.

(5) A person not a resident of this state, valid for one day and only for the taking of domesticated game birds and pheasants while on the premises of a licensed game bird club, or for the taking of domesticated migratory game birds in areas licensed for shooting those birds, upon the payment of a base fee of eight dollars (\$8), as adjusted under Section 713.

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

(b) The adjustment of the base fees under Section 713, which are specified in paragraphs (1) to (6), inclusive, of subdivision (a), are applicable to the hunting license years beginning on and after July 1, 1988.

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

SEC. 6.6. Section 6596 of the Fish and Game Code is amended to read:

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

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

(2) A stamp for each single day sport ocean fin fishing license issued pursuant to subdivision (c) of Section 7149, fifty cents (\$0.50).



Sportfishing licenses issued pursuant to paragraph (4) of subdivision (a) of Section 7149 are not subject to this requirement.

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

(c) In addition to a valid California commercial fishing license issued pursuant to Section 7852, any person who takes, possesses aboard a boat, or lands any white sea bass, south of a line extending due west from Point Arguello, shall have a valid commercial ocean fishing enhancement stamp issued to that person that has not been suspended or revoked.

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

SEC. 7. Section 7120 of the Fish and Game Code is amended to read:

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

SEC. 7.5. Section 7151 of the Fish and Game Code is amended to read:

7151. (a) Upon application to the department, the following persons, who have not been convicted of any violation of this code, shall be issued, free of any charge or fee, a free sportfishing license, which is valid for the calendar year of issue or, if issued after the beginning of the year, for the remainder thereof, and which authorizes the licensee to take any fish, reptile, or amphibia anywhere in this state for purposes other than profit:

(1) A blind person upon presentation of proof of blindness. "Blind person" means a person with central vision acuity of 20/200 or less in the better eye, with the aid of the best possible correcting glasses, or central visual acuity better than 20/200 if the widest diameter of the remaining visual field is no greater than 20 degrees. Proof of blindness shall be by certification from a qualified licensed optometrist or ophthalmologist or by presentation of a license issued pursuant to this paragraph in the preceding license year.

(2) Every resident Native American who, in the discretion of the department, is financially unable to pay the fee required for the license.

(3) Upon certification by the person in charge of a state hospital, a person who is a ward of the state and who is a patient in, and resides in, the state hospital.



(4) Upon certification by the person in charge of the regional center for the developmentally disabled, a developmentally disabled person receiving services from the regional center.

(5) A person who is a resident of the state and who is so severely physically disabled as to be permanently unable to move from place to place without the aid of a wheelchair, walker, forearm crutches, or a comparable mobility-related device. Proof of the disability shall be by certification from a licensed physician and surgeon or, beginning January 1, 1997, by presentation of a license issued pursuant to this paragraph for the preceding year.

(b) Upon application to the department, the department may issue, free of any charge or fee, a sportfishing permit to fish to groups of mentally or physically handicapped persons under the care of a certified federal, state, county, city, or private licensed care center, as set forth in Section 1502 of the Health and Safety Code, to organizations exempt from taxation under Section 501(c)(3) of the federal Internal Revenue Code, or to schools or school districts. Any organization that applies for a group fishing permit shall provide evidence that it is a legitimate private licensed care center, tax-exempt organization, school, or school district. The permit shall be issued to the person in charge of the group and shall be in his or her possession when the group is fishing. Employees of private licensed care centers, tax-exempt organizations, schools, or school districts are exempt from Section 7145 only while assisting physically or mentally disabled persons fishing under the authority of a valid permit issued pursuant to this section. The permit shall include the location where the activity will take place, the date or dates of the activity, and the maximum number of people in the group. The permitholder shall notify the local department office before fishing and indicate where, when, and how long the group will fish.

(c) On January 15 of each year, the department shall determine the number of free sportfishing licenses issued under subdivisions (a) and (b) to blind persons, indigent resident Native Americans, wards of the state, developmentally disabled persons, and physically disabled persons.

(d) There shall be appropriated from the General Fund a sum equal to two dollars (\$2) per free sportfishing license issued under subdivisions (a) and (b), as determined by the department pursuant to subdivision (c). That sum may be appropriated annually in the Budget Act for transfer to the Fish and Game Preservation Fund and appropriated in the Budget Act from the Fish and Game Preservation Fund to the department for the purposes of this part.

SEC. 8. Section 7601 is added to the Fish and Game Code, to read:

7601. "Owner" or "vessel owner" means the person or persons designated as the registered owner of a vessel on a certificate of documentation issued by the United States Coast Guard or on a copy of the vessel registration issued by the vessel registration agency of



the state where the owner is a resident. For purposes of this section, the vessel registration agency in California is the Department of Motor Vehicles.

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

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

(a) Adopt regulations that would make inoperative any statute or regulation of the commission, including, but not limited to, statutes or regulations regulating bag limits, methods of taking, and seasons for taking of fish for commercial purposes.

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

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

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

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

SEC. 10. Section 7852 of the Fish and Game Code is amended to read:

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

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



operation shall have a commercial fishing license issued pursuant to this subdivision that has not been suspended or revoked.

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

SEC. 11. Section 7852.21 is added to the Fish and Game Code, to read:

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

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

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

SEC. 12. Section 7857 is added to the Fish and Game Code, to read:

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

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

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

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

(2) A violation of this code, the terms of the permit or other entitlement, or the regulations adopted pursuant thereto, by the licensee, permittee, person holding the entitlement, or his or her agent, servant, employee, or person acting under the licensee's, permittee's, or entitled person's direction or control.

(3) A violation of any federal law relating to the fishery for which the license, permit, or other entitlement was issued by the licensee, permittee, person holding the entitlement, or his or her agent,



servant, employee, or person acting under the licensee's, permittee's, or entitled person's direction or control.

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

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

(e) Not more than one individual commercial fishing license, permit, or other entitlement of a single type shall be issued to an individual person and not more than one commercial vessel fishing license, permit, or other entitlement of a single type shall be issued for each vessel.

(f) Any landing of fish used to qualify for, or renew, a commercial fishing license, permit, or other entitlement shall be reported on landing receipts delivered to the department pursuant to Section 8046.

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

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

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

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

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

SEC. 13. Section 7858 is added to the Fish and Game Code, to read:

7858. In addition to the conditions specified in Section 7857, the following conditions apply to a commercial permit to take, possess



aboard a boat, or land fish for commercial purposes in a limited entry fishery, as defined in Section 8100:

(a) The permit shall be renewed annually.

(b) Except as otherwise provided by law, an appeal for the denial of a late renewal application or for a waiver of any landing requirements shall be reviewed and decided by the director. The decision of the director may be appealed to the commission.

SEC. 14. Section 7881 of the Fish and Game Code is amended to read:

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

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

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

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

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

SEC. 15. Section 7892 is added to the Fish and Game Code, to read:

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

SEC. 16. Section 7921 of the Fish and Game Code is amended to read:

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



SEC. 17. Section 8046 of the Fish and Game Code is amended to read:

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

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

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

SEC. 18. Section 8100 of the Fish and Game Code is amended to read:

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

SEC. 19. Section 8231 of the Fish and Game Code is amended to read:

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

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

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

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

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



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

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

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

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

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

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

SEC. 20. Section 8233 of the Fish and Game Code is amended to read:

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

SEC. 21. Section 8235 of the Fish and Game Code is amended to read:

8235. (a) The owner of a permitted vessel, or that owner’s agent, may apply for renewal of the permit annually on or before March 31, upon payment of the fees established under subdivision (b), without penalty. Upon receipt of the application and fees, the department shall issue the permit for use of the permitted vessel in the subsequent permit year only to the owner of the permitted vessel.

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

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

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



- (1) Instruction on how to apply for vessel permit renewal.
- (2) Information on the provisions of subdivision (c).
- (3) Information on the provisions of subdivision (f).

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

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

SEC. 22. Section 8246 of the Fish and Game Code is amended to read:

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

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

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

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

SEC. 23. Section 8254 of the Fish and Game Code is amended to read:

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

(b) Every person who takes, assists in taking, possesses, or transports lobsters for commercial purposes while on any boat, barge, or vessel, or who uses or operates or assists in using or operating any



boat, net, trap, line, or other appliance to take lobsters for commercial purposes, shall have a valid lobster permit.

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

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

SEC. 24. Section 8256 of the Fish and Game Code is repealed.

SEC. 25. Section 8275 of the Fish and Game Code is amended to read:

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

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

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

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

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

SEC. 26. Section 8280.1 of the Fish and Game Code is amended to read:

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

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

(1) A person, who has a commercial fishing license issued pursuant to Section 7852 or Article 7 (commencing with Section 8030) that has not been suspended or revoked, who is the owner of a commercial fishing vessel that has been registered with the department pursuant to Section 7881 in each of the 1991–92, 1992–93, and 1993–94 permit years and a minimum of four landings in each of three Dungeness crab seasons in the period from November 1, 1984, to April 1, 1994, have been made from that vessel. This paragraph includes any person purchasing a vessel qualifying pursuant to this paragraph.

(2) A person who has a commercial fishing license issued pursuant to Section 7852 or Article 7 (commencing with Section 8030) that has not been suspended or revoked, who is the owner of a commercial



fishing vessel that has been registered with the department pursuant to Section 7881 in each of the 1991–92, 1992–93, and 1993–94 permit years and a minimum of four landings in one of the Dungeness crab seasons in the period from November 1, 1984, to April 1, 1994, have been made from that vessel in this state as documented by landing receipts delivered to the department pursuant to Section 8046, who the department finds to have been unable, due to illness or injury or any other hardship, to make a minimum of four landings in each of two of the previous three Dungeness crab seasons, and who, in good faith, intended to participate in the Dungeness crab fishery in those seasons.

(3) A person who has a commercial fishing license issued pursuant to Section 7852 that has not been suspended or revoked, who meets the requirements of Section 8101, and who, notwithstanding Section 8101, is, at the time of application, the owner of a fishing vessel that is not equipped for trawling with a net and that has been registered pursuant to Section 7881 in each of the 1991–92, 1992–93, and 1993–94 permit years. Not more than one Dungeness crab vessel permit shall be issued to any person qualifying under Section 8101 and all permits issued under Section 8101 shall, notwithstanding paragraph (1) of subdivision (a) of Section 8280.3, be nontransferable. A person qualifying for a permit under this paragraph shall have participated in the Dungeness crab fishery on or before March 31, 1994, as documented by landing receipts that were prepared in that person's name for not less than four landings of Dungeness crab taken in a crab trap in a Dungeness crab season and were delivered to the department pursuant to Section 8046. No person shall be issued a permit under this paragraph if that person has been issued a permit under any other provision of this section for another vessel. For purposes of Section 8101, "participated in the fishery" means made not less than four landings of Dungeness crab taken by traps in that person's name in one Dungeness crab season. The department shall separately identify permits issued pursuant to this paragraph and those permits shall become immediately null and void upon the death of the permittee. The department shall not issue or renew any permit under this paragraph to a person if the person failed to meet the participation requirements of four landings in one season prior to April 1, 1994, or has been issued a Dungeness crab permit for a vessel under any other paragraph of this subdivision.

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

(A) The person held a Dungeness crab permit issued pursuant to Section 8280 as it read on April 1, 1994, and participated in the Dungeness crab fishery between November 1, 1984, and April 1, 1994, and is the owner of a vessel that has been registered with the department in each of the 1991–92, 1992–93, and 1993–94 permit years



but did not make landings or the department records do not indicate a minimum of four landings per season for three Dungeness crab seasons from that vessel or in that person's name because of a partnership or other working arrangement where the person was working aboard another vessel engaged in the Dungeness crab fishery in California.

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

(C) The person held a Dungeness crab vessel permit issued under Section 8280 as it read on April 1, 1994, or was an officer in a California corporation that was licensed pursuant to Article 7 (Commencing with section 8030) as of April 1, 1994, and began construction or reconstruction of a vessel on or before January 1, 1992, for the purpose of engaging in the Dungeness crab fishery, including the purchase of equipment and gear to engage in that fishery in California. A person may be issued a permit under this condition only if the person intended in good faith to participate in the California Dungeness crab fishery, a denial of a permit would create a financial hardship on that person, and, for purposes of determining financial hardship, the applicant is a nonresident and cannot participate with his or her vessel or vessels in the Dungeness crab fishery of another state because of that state's limited entry or moratorium on the issuance of permits for the taking of Dungeness crab.

(5) A person who has a commercial fishing license issued pursuant to Section 7852 that has not been suspended or revoked, who held a Dungeness crab permit issued under Section 8280 as it read on April 1, 1994, who made a minimum of four landings of Dungeness crab taken by traps in each of three Dungeness crab seasons in the period from November 1, 1984, to April 1, 1994, in his or her name in this state from a vessel owned by that person, as documented by landing receipts, who, between April 1, 1991, and January 1, 1995, purchased, contracted to purchase, or constructed a vessel, not otherwise qualifying pursuant to paragraph (1), (2), or (4), who has continuously owned that vessel since its purchase or construction, and who either (A) has used that vessel for the take of Dungeness crab in this state on or before March 31, 1995, as documented by one or more landing receipts delivered to the department pursuant to Section 8046, or (B) intended in good faith, based on evidence that



the department and the review panel may require, including investment in crab gear, to enter that vessel in this state's Dungeness crab fishery not later than December 1, 1995. Not more than one permit may be issued to any one person under this paragraph.

(6) A person who held a Dungeness crab permit issued under Section 8280 as it read on April 1, 1994, who made a minimum of four landings utilizing traps in this state in each of three Dungeness crab seasons in the period between November 1, 1984, and April 1, 1994, in his or her name from a vessel operated by that person as documented by landing receipts, who currently does not own a vessel in his or her name, and who has not sold or transferred a vessel otherwise qualifying for a permit under this section. A permit may be issued under this paragraph for a vessel not greater in size than the vessel from which the previous landings were made, and, in no event, for a vessel of more than 60 feet overall length, to be placed on a vessel that the person purchases or contracts for construction on or before April 1, 1996. A permit issued under this paragraph shall be nontransferable and shall not be used for a vessel not owned by that person, and shall be revoked if the person (A) fails to renew the permit or annually renew his or her commercial fishing license issued pursuant to Section 7852 or (B) is or becomes the owner of another vessel permitted to operate in the Dungeness crab fishery pursuant to this section.

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

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

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

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



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

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

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

SEC. 27. Section 8280.2 of the Fish and Game Code is amended to read:

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

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

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

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



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

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

SEC. 28. Section 8280.4 of the Fish and Game Code is amended to read:

8280.4. (a) The commission may revoke the commercial fishing license issued pursuant to Section 7852 of any person owning a fishing vessel engaging in the taking or landing of Dungeness crab by traps for which that person has not obtained a Dungeness crab vessel permit, and the commission may revoke the registration, issued pursuant to Section 7881, for that vessel.

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

SEC. 29. Section 8300.1 of the Fish and Game Code, as added by Chapter 1216 of the Statutes of 1992, is amended to read:

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

SEC. 30. Section 8300.1 of the Fish and Game Code, as added by Chapter 701 of the Statutes of 1992, is repealed.

SEC. 30.5. Section 8305.8 of the Fish and Game Code is amended to read:

8305.8. Notwithstanding any other provision of law, in the mainland coastal waters from Palos Verdes Point in Los Angeles County to Dana Point in Orange County, it is unlawful to take abalone for commercial purposes.

This section shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2002, deletes or extends that date.

SEC. 31. Section 8306.2 of the Fish and Game Code is amended to read:



8306.2. (a) Abalone diving permits shall be issued to persons who held a valid abalone diving permit in the immediately preceding permit year that has not been suspended or revoked.

(b) If the commission determines that abalone diving permits may be issued under this subdivision, an abalone diving permit may be issued to an applicant if the applicant does not qualify as a prior permittee and if the applicant meets either of the following conditions:

(1) The applicant has at least two years experience as an abalone diver under a permit issued pursuant to Section 8300.1 or former Section 8306.8, as it read before January 1, 1993.

(2) The applicant has at least three years' experience as an abalone crewmember under a permit issued pursuant to Section 8300.2 or former Section 8306.8, as it read before January 1, 1993.

(c) If the total number of abalone diving permits which the commission determines may be issued exceeds the number of abalone diving permits issued pursuant to subdivisions (a) and (b), abalone diving permits may be issued to applicants under this subdivision if the applicant does not qualify as a prior permittee and the applicant meets either of the following conditions:

(1) The applicant has at least three years experience as an abalone diver or crewmember.

(2) The applicant successfully completes a proficiency test administered by the department, under regulations prescribed by the commission.

SEC. 31.5. Section 8306.6 of the Fish and Game Code is amended to read:

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

SEC. 32. Section 8308 of the Fish and Game Code, as amended by Section 3 of Chapter 1100 of the Statutes of 1993, is amended to read:

8308. (a) It is unlawful for a holder of a commercial abalone diving permit to possess, transport, control, or land more than 180 each of red, green, pink, or black abalone on any day, or for there to be more than 360 total of any one species of abalone on a vessel at any time. This subdivision does not prohibit more than 360 of any one species of abalone to be in possession or controlled by an abalone diving permittee when those abalone are being transported on land south of the county line between the County of San Luis Obispo and the County of Santa Barbara.

(b) Notwithstanding subdivision (a), in District 10, it is unlawful for a holder of a commercial abalone diving permit to possess, transport, or control on a fishing vessel, or to land more than 84 abalone on any day, or for there to be more than 168 total abalone on a vessel at any time.



(c) The court shall order the department to permanently revoke, and the department shall permanently revoke, the commercial fishing license and any commercial fishing permits of any person convicted of a violation of subdivision (a) or (b) if the court finds that the person possessed more than one and one-half times the number of abalone permitted at the time of the offense. That person shall not, thereafter be eligible for any license or permit to take or possess fish for sport or commercial purposes.

(d) This section shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2002, deletes or extends that date.

SEC. 32.2. Section 8308 of the Fish and Game Code, as amended by Section 4 of Chapter 1100 of the Statutes of 1993, is amended to read:

8308. (a) It is unlawful for a holder of a permit which authorizes the taking of abalone for commercial purposes to possess, transport, control, or land more than 180 black abalone at any time or for there to be more than 360 black abalone on a vessel. This subdivision does not prohibit more than 180 black abalone to be in possession or controlled by an abalone diving permittee when those abalone are being transported on land.

(b) Notwithstanding subdivision (a), in District 10 it is unlawful for a holder of a commercial abalone diving permit which authorizes the taking of abalone for commercial purposes to possess, transport, or control on a fishing vessel, or to land more than 84 abalone, or for there to be more than 168 total abalone on a vessel at any time.

(c) This section shall become operative on January 1, 2002.

SEC. 32.5. Section 8311 of the Fish and Game Code is amended to read:

8311. (a) Notwithstanding Section 12000, and in addition to Section 12009, if any person is convicted of a violation of a regulation permitting the taking of abalone under a sportfishing or sport ocean fishing license issued pursuant to Article 3 (commencing with Section 7145) of Chapter 1 of Part 2, and that person had more than seven times the number of abalone permitted to be possessed under those regulations, that person shall be fined not less than five times the prevailing market value of the abalone.

(b) In addition to the fine, upon a conviction punishable under this section, the court shall order the department to revoke, and the department shall revoke, the person's sportfishing or sport ocean fishing license for one year.

(c) If the court finds that the person convicted of a violation punishable under this section had more than seven times the number of abalone permitted, had more than seven undersized abalone, or had more than seven abalone removed from the shell, or has had his or her fishing privileges revoked pursuant to subdivision (b) for three separate convictions punishable under this section, the court shall



order the department to permanently revoke, and the department shall permanently revoke, the person's sportfishing or sport ocean fishing license. A person whose sportfishing privilege is revoked pursuant to this section shall not be eligible for any license or permit, including, but not limited to, a commercial fishing license, to take or possess fish in this state for life.

(d) This section shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2002, deletes or extends that date.

SEC. 32.8. Section 8312 of the Fish and Game Code is amended and renumbered to read:

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

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

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

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

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

SEC. 33. Section 8313 of the Fish and Game Code is amended to read:

8313. (a) Any person who is required to pay a landing tax for abalone pursuant to Sections 8041 and 8042 shall pay, in addition to



the landing taxes determined pursuant to Section 8051, an additional tax of nineteen and one-half cents (\$0.195) for each pound, or fraction thereof, of abalone, determined as provided in Section 8042.

(b) This section shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2002, deletes or extends that date.

SEC. 34. Section 8314 of the Fish and Game Code is amended to read:

8314. (a) The landing tax collected pursuant to Section 8313 shall be deposited in the Fish and Game Preservation Fund and shall be used only for the Abalone Resources Restoration and Enhancement Program. The department shall maintain internal accounts necessary to ensure that the funds are disbursed for the purposes in this subdivision. No more of the landing tax collected pursuant to Section 8313 than an amount equal to the regularly approved department indirect overhead rate may be used for administration by the department. Any interest on the revenues from the landing tax collected pursuant to Section 8313 shall be deposited in the fund and used for the purposes in this subdivision.

(b) A commercial Abalone Advisory Committee shall be appointed by the director, consisting of six members who shall serve without compensation or reimbursement of expenses. One of the members shall be a person who is required to pay landing taxes pursuant to Section 8313. Each of the five remaining members shall hold a current commercial abalone diving permit, and represent the following groups and organizations:

(1) One member shall be selected from divers with a place of residence north of Point Sur.

(2) One member shall be selected from divers with a place of residence south of Point Dume.

(3) One member shall be selected from divers with a place of residence south of Point Sur and north of Point Dume.

(4) Two members shall be selected from the membership of the California Abalone Association without regard to place of residence. This subdivision does not prohibit persons selected pursuant to paragraph (1), (2), or (3) from also being members of the California Abalone Association.

(c) The advisory committee shall make recommendations to the director and the director shall use his or her best efforts to implement those recommendations for activities to be conducted with funds collected pursuant to Section 8313, and those funds collected from any previous calendar year shall be available for use for those activities.

(d) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2003, deletes or extends that date.



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

8394. Swordfish shall not be taken, possessed aboard a boat, or landed by a person for commercial purposes except under a valid swordfish permit. At least one person aboard the boat shall have a swordfish permit issued to that person that has not been revoked or suspended, subject to regulations adopted by the commission.

SEC. 36. Section 8397 of the Fish and Game Code is amended to read:

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

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

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

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

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

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

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

SEC. 37. Section 8500 of the Fish and Game Code is amended to read:

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



SEC. 38. Section 8550 of the Fish and Game Code is amended to read:

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

The commission, in limiting the total number of permits, shall take into consideration any restriction of the fishing area and the safety of others who, for purposes other than fishing, use the waters from which herring are taken.

SEC. 39. Section 8561 of the Fish and Game Code is amended to read:

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

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

SEC. 40. Section 8567 of the Fish and Game Code is amended to read:

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

SEC. 41. Section 8597 of the Fish and Game Code is amended to read:

8597. (a) It is unlawful for any person to take, possess aboard a boat, or land for marine aquaria pet trade purposes any live organisms identified in subdivision (b), unless that person has a valid marine aquaria collector's permit that has not been suspended or revoked. At least one person aboard the boat shall have a valid marine aquaria collector permit.

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

(1) Marine plants:

(A) Chlorophyta.

(B) Phaeophyta.

(C) Rhodophyta.

(D) Spermatophyta, all species.

(2) Invertebrates:

(A) Polychaeta—worms; all species.

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



- (i) Dungeness crab—*Cancer magister*.
- (ii) Yellow crab—*Cancer anthonyi*.
- (iii) Red crab—*Cancer productus*.
- (iv) Sheep crab—*Loxorhyuchus grandis*.
- (v) Spot prawn—*Pandalus platyceros*.
- (vi) Ridgeback prawn—*Sicyonia ingentis*.
- (vii) Golden prawn—*Penaeus californiensis*.
- (viii) Sand crab—*Emerita analoga*.
- (ix) Redrock shrimp—*Lysmata californica*.
- (x) Bay shrimp—*Crangon* sp. and *Palaemon macrodactylus*.
- (xi) Ghost shrimp—*Callinassa* sp.
- (C) Asteroidea—Sea stars; all species.
- (D) Ophiuroidea—Brittle stars; all species.
- (E) Gastropoda—snails, limpets, sea slugs; all species, except Kellelet's whelk—*Kelleletia kelleleti*.
- (F) Bivalvia—clams and mussels; all species.
- (G) Polyplacophora—Chitons; all species.
- (H) Cephalopoda—Octopuses and squids; all species, except two spot octopuses—*Octopus bimaculatus* and *Octopus maculoides*—and market squid—*Loligo opalescens*.
- (I) Tunicata—Sea squirts; all species.
- (3) Vertebrates:
 - (A) Osteichthyes—Finfishes; all species, except the following:
 - (i) Rockfish—*Sebastes* sp. larger than six inches total length.
 - (ii) Sheephead—*Semicossyphus pulcher* larger than six inches total length.
 - (iii) Anchovy—*Engraulis mordax*.
 - (iv) Sardine—*Sardinops sagax*.
 - (v) Pacific/chub mackerel—*Scomber japonicus*.
 - (vi) Jack mackerel—*Trachurus symmetricus*.
 - (vii) Queenfish—*Seriphus politus*.
 - (viii) White Croaker—*Genyonemus lineatus*.
 - (ix) Top smelt—*Atherinops affinis*.
 - (x) Grunion—*Leuresthes tenuis*.
 - (xi) Shiner surf perch—*Cymatogaster aggregata*.
 - (xii) Longjawed mudsucker—*Gillichthys mirabilis*.
 - (B) Chondrichthyes—sharks, rays, and skates; all species less than 18 inches total length.
 - (c) The holder of a permit issued pursuant to this section is not required to obtain or possess a kelp harvester's license issued pursuant to Section 6651, a tidal invertebrate permit issued pursuant to Section 8500, or a general trap permit issued pursuant to Article 1 (commencing with Section 9000) of Chapter 4, when taking, possessing, or landing live organisms for marine aquaria pet trade purposes pursuant to subdivision (b), subject to regulations governing the taking of tidal invertebrates. The commission shall



adopt regulations to implement this subdivision, and, for that purpose, may incorporate other regulations by reference.

SEC. 42. Section 8598 of the Fish and Game Code is amended to read:

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

- (1) Invertebrates:
 - (A) Phylum Porifera—all sponges.
 - (B) Genus *Pelagia* sp.—jellyfish.
 - (C) Coelenterata—corals, anemones; all species.
 - (D) Order Gorgonacea—all gorgonians.
 - (E) Order Pennatulacea—all species, except *Renilla kollikeri*.
 - (F) Feather-duster worm—*Eudistylia polymorpha*.
 - (G) Fiddler crab—*Uca crenulata*.
 - (H) Umbrella crab—*Cryptolithodes sitchensis*.
 - (I) Stalked or goose barnacles—*Pollicipes* sp.
 - (J) Giant acorn barnacle—*Balanus nubilus* or *B. aguila*.
 - (K) Owl limpet—*Lottia gigantea*.
 - (L) Coffee bean shells—*Trivia* sp.
 - (M) Three-winged murex—*Pteropurpura trialata*.
 - (N) Vidler's simnia—*Simnia vidleri*.
 - (O) Queen tegula—*Tegula regina*.
 - (P) Opisthobranchia (including nudibranchs)—all subclass Opisthobranchia species except:
 - (i) Sea hares—*Aplysia californica* and *Aplysia vaccaria*.
 - (ii) *Hermisenda crassicornis*.
 - (iii) Lion's mouth—*Melibe leonina*.
 - (iv) *Aeolidia papillosa*.
 - (v) Spanish shawl—*Flabellina iodinea*.
- (2) Vertebrates:
 - (A) All shark and ray eggcases.
 - (B) Brown smoothhound sharks—*Mustelus hinlei*—that are less than 18 inches in a whole condition or dressed with head and tail removed.
 - (C) Family Agonidae—all poachers.
 - (D) Wolf-eel—*Anarrhichthys ocellatus*.
 - (E) Juvenile sheephead—*Semicossyphus pulcher* (under 6 inches).
 - (F) Garibaldi—*Hypsypops rubicundus*, except as provided in subdivision (b).
- (3) Live rocks.
 - (A) Rocks with living organisms attached, commonly called "live rocks," shall not be taken or possessed except as provided in subparagraph (C).



(B) Rocks shall not be broken to take marine aquaria species, and any rock displaced to access any of those species shall be returned to its original position.

(C) Rocks cultured under the authority of an aquaculture registration may be possessed.

(b) Garibaldi—*Hypsypops rubicundus* may not be taken or possessed under a marine aquaria collector's permit until February 1, 1999, unless a study, the methodology of which is approved by the department, shows a less than significant impact on the population of the garibaldi resource from that taking. On and after February 1, 1999, garibaldi may be taken, possessed aboard a boat, or landed under that permit for marine aquaria pet trade purposes only from October 31 to February 1, inclusive.

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

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

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

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

SEC. 43. Section 8598.3 of the Fish and Game Code is amended to read:

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

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

SEC. 44. Section 8598.5 of the Fish and Game Code is repealed.

SEC. 45. Section 8837 of the Fish and Game Code is amended to read:

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

SEC. 46. Section 8839 of the Fish and Game Code is repealed.

SEC. 46.5. Section 8842 of the Fish and Game Code, as amended by Chapter 1109 of the Statutes of 1994, is amended to read:

8842. (a) Trawl nets of a design prescribed by the commission may be used or possessed to take shrimp or prawns under a revocable, nontransferable permit issued by the department under regulations



that the commission shall prescribe that are not inconsistent with this section. A permit is valid, unless revoked or canceled, from April 1 to March 31 of the next succeeding calendar year. A permit issued under this section for the permit year beginning on April 1, 1994, and thereafter, may be issued pursuant to paragraph (2) of subdivision (c) to the owner of a vessel registered pursuant to Section 7881, as designated in the application for the permit. That permit shall authorize the use of that designated vessel for the purpose of using trawl nets to take shrimp or prawns pursuant to this section.

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

(b) When fishing for pink shrimp (*Pandalus jordani*) under a permit issued pursuant to this section, it is unlawful to possess in excess of 1,500 pounds of incidentally taken fish per calendar day of a fishing trip, except Pacific whiting, shortbelly rockfish, and arrowtooth flounder that may be taken in any amount. Not more than 150 pounds of California halibut shall be possessed or landed when fishing under a permit issued pursuant to this section. When fishing for ridgeback prawn and spotted prawn under a permit issued pursuant to this section, it is unlawful to possess in excess of 1,000 pounds of incidentally taken fish per trip, except for sea cucumbers that may be taken in any amount.

(c) (1) For the 1994–95 permit year, a pink shrimp permit shall be issued only to those applicants who meet one of the following criteria:

(A) Possessed a permit issued under this section, or any regulations adopted pursuant to this section, during the 1993–94 permit year or for any permit year prior to the 1993–94 permit year.

(B) Is the registered owner of a vessel that landed pink shrimp on or before March 31, 1994. If a vessel owner applies for a permit pursuant to this subparagraph, he or she shall specify the vessel he or she will use in the operations authorized by the permit. Landings used to qualify for permits shall have been reported to the department pursuant to Section 8043.

(2) Beginning with the 1995–96 permit year, a pink shrimp permit shall be issued only to applicants who possessed a valid pink shrimp permit in the immediately preceding permit year.

(d) The fee for the permit to take pink shrimp shall be two hundred eighty-five dollars (\$285).

(e) This section shall remain in effect only until April 1, 1999, and as of that date is repealed, unless a later enacted statute, which is enacted before April 1, 1999, deletes or extends that date.

SEC. 47. Section 8842 of the Fish and Game Code, as amended by Chapter 935 of the Statutes of 1994, is amended to read:

8842. (a) Trawl nets of a design prescribed by the commission may be used or possessed to take shrimps or prawns under a permit



issued by the department under regulations adopted by the commission.

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

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

(c) This section shall become operative on April 1, 1999.

SEC. 48. Section 9001 of the Fish and Game Code is amended to read:

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

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

(c) The fee for the general trap permit shall be thirty-five dollars (\$35).

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

SEC. 49. Section 9001.5 of the Fish and Game Code is amended to read:

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

(a) For the 1996–97 permit year, to any person who held a general trap permit during the 1995–96 permit year that has not been suspended or revoked and who landed finfish taken in traps for



commercial purposes during the 1995–96 permit year in this state as reported on one or more fish landing receipts.

(b) For the 1997–98 permit year and thereafter, to any person who held a finfish trap permit to take finfish during the immediately preceding permit year that has not been suspended or revoked and who landed at least 50 pounds of finfish taken in finfish traps as reported on one or more fish landing receipts during the immediately preceding permit year. Applications for renewal of a finfish trap permit shall be received by the department, or, if mailed, postmarked, by May 31 of each year.

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

SEC. 50. Section 9001.6 of the Fish and Game Code is amended to read:

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

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

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

(3) Timed buoy release mechanisms commonly termed “popups” shall not be used on buoy lines attached to finfish traps.

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

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

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



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

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

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

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

SEC. 51. Section 9006 of the Fish and Game Code is amended to read:

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

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

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

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

SEC. 52. Section 9054 of the Fish and Game Code is amended to read:

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

SEC. 53. Section 14000 of the Fish and Game Code is amended to read:



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

SEC. 54. Section 14001 of the Fish and Game Code is amended to read:

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

PACIFIC MARINE FISHERIES COMPACT

The contracting states do hereby agree as follows:

Article I

The purposes of this compact are and shall be to promote the better utilization of fisheries, marine, shell and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean over which the compacting states jointly or separately now have or may hereafter acquire jurisdiction.

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

Article II

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

Article III

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

The term of each commissioner of the Pacific States Marine Fisheries Commission shall be four years. A commissioner shall hold office until his successor shall be appointed and qualified but such



successor's term shall expire four years from legal date of expiration of the term of his predecessor. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled for the unexpired term, or a commissioner may be removed from office, as provided by the statutes of the state concerned. Each commissioner may delegate in writing from time to time, to a deputy, the power to be present and participate, including voting as his representative or substitute, at any meeting of or hearing by or other proceeding of the commission.

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

Article IV

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

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

The commission shall consult with and advise the pertinent administrative agencies in the signatory states with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable and which lie within the jurisdiction of such agencies.

The commission shall have power to recommend to the states signatory hereto the stocking of the waters of such states with marine,



shell or anadromous fish and fish eggs or joint stocking by some or all of such states and when two or more of the said states shall jointly stock waters the commission shall act as the coordinating agency for such stocking.

Article V

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

Article VI

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

Article VII

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

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

Article VIII

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



Article IX

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

Article X

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

Eighty percent of the annual budget shall be shared equally by those member states having as a boundary the Pacific Ocean. Not less than 5 percent of the annual budget shall be contributed by any other member state. The balance of the annual budget shall be shared by those member states having as a boundary the Pacific Ocean, in proportion to the primary market value of the products of their commercial fisheries on the basis of the latest five-year catch records.

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

Article XI

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

Article XII

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

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

SEC. 55. Section 14100 of the Fish and Game Code is amended to read:

14100. In furtherance of the provisions contained in the compact there shall be three members of the Pacific States Marine Fisheries



Commission from the State of California, appointed by the Governor by and with the advice and consent of the Senate. One such commissioner shall be the administrative or other officer of the department or agency of this state charged with the conservation of its marine fisheries resources; another commissioner shall be a Member of the Legislature of this state who is a member of a committee on interstate cooperation of the said Legislature, and another member shall be a citizen of this state who shall have wide knowledge of and interest in the marine fisheries problem.

SEC. 56. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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

