

ASSEMBLY BILL

No. 76

Introduced by Assembly Member Morrow

December 22, 1994

An act to amend Sections 8111, 8112, 8114, 8150.5, 8150.7, 8150.9, 8250.5, 8284, 8392, and 9006 of, to add Section 9001.5 to, to add and repeal Sections 9001.6 and 9001.7 of, to repeal Section 8153 of, and to repeal and add Sections 8113, 8151, and 8152 of, the Fish and Game Code, relating to fish, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 76, as introduced, Morrow. Commercial fishing: finfish: sardines.

(1) Existing law authorizes persons operating a commercial fishing vessel registered in this state to land fish taken in a far offshore fishery, as defined, when those fish may be lawfully imported into this state from a foreign nation or from another state. Existing law also prohibits the operator of any vessel operating under that authorization from fishing in or landing fish from any waters within the 200-mile fishery conservation zone during any trip for which the operator has received clearance by United States Customs for departure for the high seas.

This bill would redefine "far offshore fishery" to mean a fishery that lies outside the United States 200-mile exclusive economic zone, as defined by federal law. The bill would authorize the landing in this state of fish taken in a far offshore

fishery which may be lawfully imported by persons operating a commercial fishing vessel registered in this state who took the fish in the far offshore fishery.

The bill would delete the requirement for clearance and declaration of the location of the catch on reentry to the United States Customs. The bill would, instead, require the operator to file a declaration with the Department of Fish and Game before departure and to complete and submit the return portion of the declaration to the department within 12 hours of arrival at a port in this state.

(2) Existing law permits the department to adjust the seasonal quota of sardines that may be taken under permit in relation to increases in the spawning population.

This bill would provide that the Pacific sardine season is from August 1 to July 31, inclusive. The bill would establish a 12,000-ton-per-season quota unless the department produces an estimate of the total biomass of the northern stock of sardines and uses that estimate to calculate a quota. The bill would also require the department to consider in-season adjustments to the quota at the request of the commercial fishing industry. The bill would permit sardines to be taken for live bait purposes at any time.

(3) Existing law establishes the tolerance for sardines taken incidentally to other fishing operations.

This bill would permit the Director of Fish and Game to establish those tolerances up to certain specified percentages of the landings.

(4) Existing law permits 250 tons of sardines to be taken, possessed, and landed for dead bait purposes during the period of March 1 to February 28, inclusive.

This bill would repeal that provision.

(5) Under existing law, any person who operates or assists in operating any trap to take finfish or who possesses or transports finfish on a vessel when a trap is aboard is required to have a general trap permit issued by the department.

This bill would require the persons who take finfish with traps for commercial purposes to obtain a finfish trap permit. The bill would set the fee for the permit at \$110 and, because the fee would be deposited under existing law in the Fish and Game Preservation Fund which is continuously appropriated,



the bill would make an appropriation. The bill would limit the persons who may obtain a finfish trap permit to persons who held a general trap permit in the preceding permit year and who made specified landings of finfish taken in traps. The bill would provide that persons denied a permit may appeal to the Fish and Game Commission. The bill would provide for certain restrictions on the taking of finfish pursuant to the permit. This bill would also authorize the department to enter into contracts for the purpose of printing finfish permits and informational material and would exempt these contracts from certain provisions of the Public Contract Code.

(6) Existing law prohibits taking, possessing, or selling California halibut less than 22 inches in total length, except as specified. Existing law also authorizes a person who holds a commercial fishing license to possess for noncommercial use not more than 4 California halibut less than 22 inches in total length or less than the minimum weight if taken incidentally in commercial fishing.

This bill would limit that incidental possession to halibut taken with a gill net, trammel net, or trawl net while commercial fishing.

(7) Existing law continuously appropriates the Fish and Game Preservation Fund to the department and the commission to carry out the Fish and Game Code.

This bill would impose new duties on the department, thereby making an appropriation.

(8) Because this bill would create and change provisions of laws, the violation of which are crimes, the bill would impose a state-mandated local program.

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.

(9) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.



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

1 SECTION 1. Section 8111 of the Fish and Game Code
2 is amended to read:

3 8111. “Far offshore fishery” means a fishery that lies
4 outside the United States 200-mile ~~fishery conservation~~
5 *exclusive economic zone, as defined by paragraph (6) of*
6 *Section 1802 of Title 16 of the United States Code.*

7 SEC. 2. Section 8112 of the Fish and Game Code is
8 amended to read:

9 8112. Notwithstanding any other section of this code,
10 fish taken in a far offshore fishery, which may be lawfully
11 ~~imported into this state from a foreign nation or from~~
12 ~~another state,~~ may be landed in this state by persons
13 operating a commercial fishing vessel ~~licensed under~~
14 *registered pursuant to* Article 4 (commencing with
15 Section 7880) who took the fish in the far offshore fishery.

16 SEC. 3. Section 8113 of the Fish and Game Code is
17 repealed.

18 ~~8113. Documentary evidence of both a vessel’s~~
19 ~~clearance by United States Customs for departure from~~
20 ~~the United States for the high seas and the declaration by~~
21 ~~the vessel’s master to United States Customs upon~~
22 ~~reentry as to the location of the fish catch and that the~~
23 ~~location was beyond the United States 200-mile fishery~~
24 ~~conservation zone shall be accepted as prima facie~~
25 ~~evidence of compliance with Section 8112.~~

26 SEC. 4. Section 8113 is added to the Fish and Game
27 Code, to read:

28 8113. (a) Prior to departure from any port in the
29 United States for the purpose of taking fish in the far
30 offshore fishery, the operator of any vessel landing fish in
31 California that will be taken in the far offshore fishery
32 shall file a declaration with the department on forms
33 prescribed by the department.

34 (b) The declaration shall be valid when signed by the
35 vessel operator and completed with information
36 prescribed by the department.

37 (c) Upon completion of the trip and within 12 hours of
38 arrival at a port in this state, the operator of the vessel



1 shall complete and submit the return portion of the
2 declaration to the department.

3 SEC. 5. Section 8114 of the Fish and Game Code is
4 amended to read:

5 8114. It is unlawful for the operator of any vessel
6 operating under authority of this article to fish in, or land
7 fish from, any waters within the United States 200-mile
8 ~~fishery conservation~~ *exclusive economic* zone during any
9 trip for which the operator ~~has received clearance by~~
10 ~~United States Customs for departure for the high seas~~
11 ~~filed a declaration with the department to fish in the far~~
12 ~~offshore fishery.~~

13 SEC. 6. Section 8150.5 of the Fish and Game Code is
14 amended to read:

15 8150.5. Sardines may not be taken or possessed on any
16 boat, barge, or vessel except pursuant to Section 8150.7.

17 (a) However, loads or lots of fish may contain ~~15~~ 18
18 percent or less by ~~weight~~ *number* of sardines ~~which that~~
19 are taken incidentally to other fishing operations and
20 ~~which that~~ are mixed with the other fish in the load or lot.

21 (b) This section does not prohibit the possession and
22 use of sardines imported into this state under a bill of
23 lading identifying the country of origin.

24 (c) Imported sardines may be used for dead bait under
25 regulations as the commission may prescribe.

26 (d) Subdivision (a) is operative only when ~~Section~~
27 ~~8151 is not operative.~~ Subdivisions (b) and (c) are
28 operative and apply regardless of whether subdivision
29 (a) or Section 8151 is operative *the total biomass of the*
30 *northern stock of sardines is below 50,000 tons.*

31 SEC. 7. Section 8150.7 of the Fish and Game Code is
32 amended to read:

33 8150.7. It is the intent of the Legislature ~~that to~~
34 ~~encourage the proper utilization of~~ the sardine resource
35 ~~be rehabilitated.~~ During the process of rehabilitation a
36 ~~small fishery shall be allowed once the spawning~~
37 ~~population has reached 20,000 tons as determined by the~~
38 ~~department during the first 60 days of each calendar year.~~
39 ~~As the spawning population increases, in excess of 20,000~~
40 ~~tons, the seasonal quota may also be increased but at such~~



1 a rate as to allow the continued increase in the spawning
2 population. This process shall continue with the objective
3 of maximizing the sustained harvest.

4 ~~When the department determines that the estimated~~
5 ~~spawning population of northern stocks of sardines has~~
6 ~~reached 20,000 tons, it shall establish a~~
7 ~~1,000-ton-per-season quota which may be taken under~~
8 ~~permits issued by the department, providing for the~~
9 ~~conservation of the spawning stock while allowing for the~~
10 ~~growth of a fishery with the objective of optimizing~~
11 ~~sustainable yield.~~

12 *The department shall establish a 12,000-ton-per-season*
13 *quota that may be taken under permits issued by the*
14 *department unless the department produces an estimate*
15 *of the total biomass of the northern stock of sardines.*
16 *When the department produces an estimate of the total*
17 *biomass of the northern stock of sardines, that estimate*
18 *shall be used to calculate the quota. A quota shall be*
19 *calculated so as not to exceed 15 percent of the total*
20 *biomass of the northern stock of sardines when the total*
21 *biomass is in excess of 50,000 tons. The department shall*
22 *consider within-season adjustments to the quota at the*
23 *request of the commercial fishing industry. Quota*
24 *adjustments shall be made based upon the best scientific*
25 *information available.*

26 The department shall keep records of the catch and
27 when it appears that ~~the 1,000-ton limit a quota~~ will be
28 reached, it shall notify all permitholders of the date when
29 ~~such that~~ that limit will be reached and after which no sardines
30 may be taken, and ~~the department~~ shall notify, ~~by~~
31 ~~certified mail,~~ all permittees of ~~such that~~ closure.

32 ~~The department shall increase the quota beyond 1,000~~
33 ~~tons when, consistent with the intent of this section, it~~
34 ~~determines that an increased quota is warranted.~~

35 SEC. 8. Section 8150.9 of the Fish and Game Code is
36 amended to read:

37 8150.9. (a) *The Pacific sardine season is from August*
38 *1 to July 31, inclusive.*

39 (b) Notwithstanding Section 8150.8 or any other
40 provision of this article governing the quota of sardines,



1 the department shall determine on or before ~~October~~
2 *May* 15 each year if there is any portion of the quota for
3 the taking of sardines established pursuant to Section
4 8150.7 that has not been taken on or before ~~September~~
5 *April* 30, and if the department determines that a portion
6 of the quota has not been taken, the department shall
7 reallocate the total remaining amount on or before
8 ~~October~~ *May* 15 with one-half of the amount allocated for
9 fishermen landing their catches north of San Simeon
10 Point and one-half allocated for fishermen landing their
11 catches south of San Simeon Point. *The department shall*
12 *also determine on or before July 1 each year if there is any*
13 *portion of a quota that has not been taken and shall make*
14 *that unused portion available to all permittees regardless*
15 *of where they land their catches.* Except for provisions
16 governing the quota, all other provisions of law regulating
17 the portion so reallocated shall apply to the reallocated
18 portion.

19 SEC. 9. Section 8151 of the Fish and Game Code is
20 repealed.

21 ~~8151. (a) Notwithstanding Section 8150.5, the~~
22 ~~tolerance for sardines taken incidentally to other fishing~~
23 ~~operations and mixed with other fish in a load shall be 25~~
24 ~~percent if, using the mackerel fishery as an indicator, the~~
25 ~~overall percentage of incidentally taken sardines mixed~~
26 ~~with jack mackerel and Pacific mackerel during the~~
27 ~~preceding month exceeded 5 percent. Thereafter, the~~
28 ~~tolerance shall increase by additional 10-percent~~
29 ~~increments whenever the overall percentage of~~
30 ~~incidentally taken sardines during the preceding month~~
31 ~~exceeded one-third of the previously established~~
32 ~~tolerance. The overall percentage of incidentally taken~~
33 ~~sardines shall be determined monthly by dividing the~~
34 ~~weight of sardines taken incidentally with jack mackerel~~
35 ~~and Pacific mackerel by the weight of all jack mackerel,~~
36 ~~Pacific mackerel, and sardines taken by the mackerel~~
37 ~~fishery.~~

38 ~~(b) If the overall percentage of incidentally taken~~
39 ~~sardines has been less than one-fourth of the tolerance in~~
40 ~~effect during the preceding three-month period and the~~



~~1 tolerance has not been adjusted during this three-month
2 period, the tolerance for incidentally taken sardines shall
3 be decreased by deducting one 10-percent increment
4 from the tolerance.~~

~~5 (e) Under no circumstances shall the tolerance be
6 more than 45 percent or less than 15 percent.~~

~~7 (d) The department shall notify sardine
8 permitholders, by mail, of any change in the status of the
9 tolerance for incidentally taken sardines.~~

~~10 (e) The commission shall hold public hearings to
11 consider the implementation of this section and shall
12 report annually to the Legislature on the status of the
13 sardine resource and may also make recommendations to
14 the Legislature regarding this section or its
15 implementation.~~

16 SEC. 10. Section 8151 is added to the Fish and Game
17 Code, to read:

18 8151. After a season quota or quota adjustment has
19 been established, the director, after consulting with the
20 commercial fishing industry and considering recent
21 trends in mixed landings, may establish a tolerance of
22 Pacific sardines incidentally taken mixed with other
23 species of up to 50 percent by number in landings greater
24 than three tons, and up to 100 percent for landings of
25 three tons or less.

26 SEC. 11. Section 8152 of the Fish and Game Code is
27 repealed.

~~28 8152. (a) In addition to any other provision of this
29 article, 350 tons of sardines may be taken and possessed
30 for live bait purposes during any calendar year. The
31 department may increase the allowable take of sardines
32 for live bait purposes above the 350-ton quota if it
33 determines such an increase is warranted and consistent
34 with Section 8150.7. Sardines may not be taken or
35 possessed for live bait purposes except under a revocable,
36 nontransferable permit issued by the department to a live
37 bait fisherman upon application.~~

~~38 (b) The department shall keep records of the catch
39 and when it appears that the sardine live bait quota will
40 be taken, it shall notify all permitholders of the date when~~



1 ~~the quota will be taken, and after which no sardines may~~
2 ~~be taken under this section, and shall notify, by certified~~
3 ~~mail, all permittees of the closure.~~

4 ~~(e) The permit may be revoked or suspended by the~~
5 ~~commission, when requested by the department, upon a~~
6 ~~conviction for a violation of this article.~~

7 ~~(d) After the sardine live bait quota is taken, sardines~~
8 ~~may continue to be taken for live bait purposes, as~~
9 ~~provided for in Sections 8150.5 and 8151.~~

10 SEC. 12. Section 8152 is added to the Fish and Game
11 Code, to read:

12 8152. In addition to any other provision of this article,
13 sardines may be taken and possessed for live bait purposes
14 at any time.

15 SEC. 13. Section 8153 of the Fish and Game Code is
16 repealed.

17 ~~8153. (a) In addition to any other provision of this~~
18 ~~article, 250 tons of sardines may be taken, possessed, and~~
19 ~~landed for dead bait purposes during the period March 1~~
20 ~~to February 28. Sardines may not be taken for dead bait~~
21 ~~purposes except by fishermen operating under permits~~
22 ~~issued by the department pursuant to Section 8150.7.~~

23 ~~(b) Whenever the department, under Section 8150.7,~~
24 ~~establishes a quota of 2,500 tons or more for the sardine~~
25 ~~fishery, the quota for dead bait provided for in subdivision~~
26 ~~(a) shall be 500 tons.~~

27 ~~(c) The take of sardines authorized by this section shall~~
28 ~~be allocated in the following manner:~~

29 ~~(1) Sixty two tons shall be reserved for fishermen~~
30 ~~landing sardines north of Pescadero Point.~~

31 ~~(2) Sixty two tons shall be reserved for fishermen~~
32 ~~landing their catches between Pescadero Point and San~~
33 ~~Simeon Point.~~

34 ~~(3) The remaining quota shall be reserved for~~
35 ~~fishermen landing their catches south of San Simeon~~
36 ~~Point.~~

37 ~~(d) Any fisherman taking or possessing sardines for use~~
38 ~~as dead bait shall be in possession of a bona fide, written,~~
39 ~~and dated order from the commercial fish business which~~
40 ~~placed the order for the sardines.~~



1 ~~(e) Sardines taken, possessed, or sold for dead bait~~
 2 ~~purposes shall be landed and kept in a whole condition~~
 3 ~~until sold to a commercial fisherman or sportfisherman~~
 4 ~~for use as bait.~~

5 ~~(f) The fish receipt for any landing of sardines for dead~~
 6 ~~bait purposes shall be completed at the time the landing~~
 7 ~~is made and shall include the words "FOR DEAD BAIT~~
 8 ~~PURPOSES ONLY" on the line designating use.~~

9 SEC. 14. Section 8250.5 of the Fish and Game Code is
 10 amended to read:

11 8250.5. (a) Subject to this article and Article 1
 12 (commencing with Section 9000) of Chapter 4, a lobster
 13 trap, as described in Section 9010, may be used to take
 14 lobster for commercial purposes under a lobster permit
 15 issued pursuant to Section 8254.

16 (b) The following species may be taken incidentally in
 17 lobster traps being fished under the authority of a lobster
 18 permit issued pursuant to Section 8254, and any other
 19 species taken incidentally shall be released:

20 (1) Rock crab, as defined in by Section 8275.

21 ~~(2) California sheepshead~~ *Finfish, other than sablefish*
 22 *and hagfish. However, not more than 12 finfish may be*
 23 *possessed on any boat.*

24 (3) Kellet's whelk.

25 (4) Octopus.

26 (c) Spiny lobsters taken in the manner commonly
 27 known as skindiving or by a person using self-contained
 28 underwater breathing apparatus shall not be sold.

29 SEC. 15. Section 8284 of the Fish and Game Code is
 30 amended to read:

31 8284. (a) Subject to this article and Article 1
 32 (commencing with Section 9000) of Chapter 4, crab traps,
 33 as described in Section 9011, may be used to take
 34 ~~dungeness~~ *Dungeness* crab for commercial purposes.
 35 Any fish may be taken incidentally in crab traps being
 36 used to take ~~dungeness~~ *Dungeness* crab.

37 (b) Any other species taken incidentally in a crab trap
 38 being used to take rock crab, except as provided in this
 39 subdivision, shall be released. The following species may
 40 be taken incidentally in crab traps being used to take rock



1 crab under a permit issued pursuant to Section 9001 in
2 Districts 19 and 118.5, and any other species taken
3 incidentally with a crab trap being used to take rock crab
4 shall be released:

5 (1) ~~California—sheephead~~ *Finfish, other than sablefish*
6 *and hagfish. However, not more than 12 finfish may be*
7 *possessed on any boat.*

8 (2) Kellet's whelk.

9 (3) Octopus.

10 (4) Crabs, other than the genus *Cancer*.

11 SEC. 16. Section 8392 of the Fish and Game Code is
12 amended to read:

13 8392. (a) No California halibut may be taken,
14 possessed, or sold which measures less than 22 inches in
15 total length, unless it weighs four pounds or more in the
16 round, three and one-half pounds or more dressed with
17 the head on, or three pounds or more dressed with the
18 head off. Total length means the shortest distance
19 between the tip of the jaw or snout, whichever extends
20 farthest while the mouth is closed, and the tip of the
21 longest lobe of the tail, measured while the halibut is lying
22 flat in natural repose, without resort to any force other
23 than the swinging or fanning of the tail.

24 (b) The holder of a commercial fishing license may
25 possess during one day for noncommercial use not more
26 than four California halibut of less than 22 inches in total
27 length or less than the minimum weights specified in
28 subdivision (a) if taken incidentally ~~in~~ *with a gill net,*
29 *trammel net, or trawl net while* commercial fishing.

30 SEC. 17. Section 9001.5 is added to the Fish and Game
31 Code, to read:

32 9001.5. Notwithstanding Section 9001, a
33 nontransferable finfish trap permit is required to take
34 finfish in traps for commercial purposes in ocean waters
35 between a line extending due west true from Point
36 Arguello in Santa Barbara County and the United
37 States-Mexico international boundary line. A finfish trap
38 permit shall only be issued as follows:

39 (a) For the 1996–97 permit year, to persons who held
40 a general trap permit during the 1995–96 permit year and



1 who landed finfish taken in traps for commercial
2 purposes during the 1995-96 permit year in this state as
3 reported on one or more fish landing receipts signed by
4 the applicant and submitted to the department pursuant
5 to Section 8043.

6 (b) For the 1997-98 permit year and thereafter, to
7 persons who held a finfish trap permit to take finfish
8 during the immediately preceding permit year and who
9 landed at least 50 pounds of finfish taken in finfish traps
10 as reported on one or more fish landing receipts signed
11 by the applicant and submitted to the department
12 pursuant to Section 8043 during the immediately
13 preceding permit year.

14 (c) Any applicant who is denied a finfish trap permit,
15 for any reason, may appeal the denial to the commission
16 in writing, describing the basis for the appeal. The appeal
17 shall be received by the commission not later than July 1
18 following the permit year in which the applicant last held
19 a valid trap permit authorizing the take of finfish.

20 (d) This section shall become operative on April 1,
21 1996.

22 SEC. 18. Section 9001.6 is added to the Fish and Game
23 Code, to read:

24 9001.6. Finfish may be taken with a permit issued
25 pursuant to Section 9001.5 according to the following
26 limitations:

27 (a) No lobster shall be possessed aboard or landed
28 from any vessel operating under the authority of a finfish
29 trap permit. Lobster shall not be used as bait in finfish
30 traps, and any lobster found in finfish traps shall be
31 returned to the water immediately.

32 (b) During the period from one hour after sunset to
33 one hour before sunrise finfish traps that are left in the
34 water shall be unbaited with the door secured open.

35 (c) Timed buoy release mechanisms commonly
36 termed "popups" shall not be used on buoy lines attached
37 to finfish traps.

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



1 (e) Not more 50 finfish traps may be used at any one
2 time on board a vessel fishing less than 10 miles offshore,
3 and not more than 100 finfish traps may be used at any one
4 time on board a vessel fishing more than 10 miles offshore.

5 (f) The mesh of any finfish trap shall not measure less
6 than two inches by two inches.

7 (g) The fee for the finfish trap permit issued pursuant
8 to Section 9001.5 is one hundred ten dollars (\$110) and
9 shall be valid from April 1 to March 31, inclusive. Only one
10 finfish trap permit shall annually be issued to any person.

11 (h) This section shall become operative on April 1,
12 1996.

13 (i) This section shall become inoperative on April 1,
14 1998, and as of January 1, 1999, is repealed, unless a later
15 enacted statute, which is enacted before January 1, 1999,
16 deletes or extends that date.

17 SEC. 19. Section 9001.7 is added to the Fish and Game
18 Code, to read:

19 9001.7. (a) The department may enter into contracts
20 for the purpose of producing and printing finfish trap
21 permits and related informational materials as may be
22 necessary pursuant to Sections 9001.5 and 9001.6 without
23 complying with Sections 10301, 10339, and 10340 of the
24 Public Contract Code.

25 (b) This section shall remain in effect only until April
26 1, 1996, and shall be repealed on January 1, 1997, unless a
27 later enacted statute, which is enacted before January 1,
28 1997, deletes or extends that date.

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

31 9006. Any buoy used to mark a trap shall be clearly
32 and distinctively marked with a buoy identification
33 number, as follows:

34 (a) The buoy identification number for a lobster trap
35 used to take lobster under Section 9010 is the lobster
36 permit number issued pursuant to Section 8254.

37 (b) The buoy identification number for a trap, which
38 is used under a general trap permit issued pursuant to
39 Section 9001 or a crab trap used to take ~~dungeness~~
40 *Dungeness* crab under Section 9011, is the commercial



1 license number issued to the operator of the trap
2 pursuant to Section ~~7850~~ 7852.

3 ~~This section shall become operative on April 1, 1987.~~

4 (c) *The buoy identification number for a trap used to*
5 *take finfish under a permit issued pursuant to Section*
6 *9001.5 is the commercial fishing license number of the*
7 *permittee, issued pursuant to Section 7852, followed by*
8 *the letter Z.*

9 SEC. 21. No reimbursement is required by this act
10 pursuant to Section 6 of Article XIII B of the California
11 Constitution because the only costs that may be incurred
12 by a local agency or school district will be incurred
13 because this act creates a new crime or infraction,
14 eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section
16 17556 of the Government Code, or changes the definition
17 of a crime within the meaning of Section 6 of Article
18 XIII B of the California Constitution.

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

23 SEC. 22. This act is an urgency statute necessary for
24 the immediate preservation of the public peace, health,
25 or safety within the meaning of Article IV of the
26 Constitution and shall go into immediate effect. The facts
27 constituting the necessity are:

28 In order to revise the statutory provisions governing
29 the offshore fishery and to prevent the depletion of finfish
30 stocks as soon as possible, and to prevent a shortage of live
31 bait at the earliest time possible due to a reduction in live
32 bait resources, it is necessary that this act take effect
33 immediately.

