

Assembly Bill No. 77

CHAPTER 948

An act to amend Section 8598 of the Fish and Game Code, and to add Section 425.6 to the Government Code, relating to fish.

[Approved by Governor October 16, 1995. Filed
with Secretary of State October 16, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

AB 77, Morrow. Fish.

(1) Existing law prohibits the taking of garibaldi under a marine aquaria collector's permit from February 1 to October 31, inclusive.

This bill would prohibit the taking or possession of garibaldi for commercial purposes until February 1, 1999, unless a study, the methodology of which is approved by the Department of Fish and Game, shows a less than significant impact on the population of the garibaldi resource from that taking, and, thereafter, would permit that taking or possession only under a marine aquaria collector's permit from October 31 to February 1, inclusive.

(2) Existing law does not specify an official state marine fish.

This bill would declare the garibaldi as the official state marine fish.

(3) Existing law that is effective until January 1, 2000, prohibits the taking of organisms for marine aquaria pet trade purposes on the south side of Santa Catalina Island, as specified.

This bill would continue that existing law beyond January 1, 2000, by deleting that date. Because a violation of that prohibition would be a crime under other provisions of existing law, the bill would impose a state-mandated local program by creating a crime in that extended period.

(4) 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.

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

SECTION 1. 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 or possessed 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*.
 - (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 or possessed under that permit for

marine aquaria pet trade purposes only from October 31 to February 1, inclusive.

(c) No organisms may be taken 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. 2. Section 425.6 is added to the Government Code, to read:

425.6. The garibaldi (*Hypsypops rubicundus*) is the official state marine fish.

SEC. 3. 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.

