

AMENDED IN ASSEMBLY APRIL 2, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1204

Introduced by Assembly Member Papan

February 28, 1997

An act to ~~amend Section 8399 of~~ amend and renumber Sections 8399 and 8399.1 of, and to add Article 9.7 (commencing with Section 8420) to Chapter 2 of Part 3 of Division 6 of, the Fish and Game Code, relating to fish, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1204, as amended, Papan. Fish.

Under

(1) *Under existing law, squid may be taken for commercial purposes north of Point Conception the year around, subject to regulations adopted by the Fish and Game Commission specifying the days of the week and the times of the day when squid may be taken. Existing law also prohibits certain activities relating to taking of squid for commercial purposes in Fish and Game District 10.*

~~This bill would make that authorization expressly relate to taking for commercial purposes.~~

This bill would recast and renumber those provisions.

The bill, until April 1, 2001, would also make it unlawful for a person on a vessel to take or possess squid for commercial purposes except using purse seine, lampara, or scoop nets on a vessel that displays a commercial squid vessel permit that

has been issued to that vessel's owner, as defined, or the owner's agent, as defined, by the Department of Fish and Game pursuant to the bill. The bill would provide for the term of the permit and would require the department to establish the fee for the permit in an amount not to exceed the reasonable costs incurred by the department in administering the bill, including necessary research to assess the status of the squid resource, or \$750, whichever is less. The bill would provide for transfer of the permit to a replacement vessel or upon the sale of the vessel for which the permit was issued, under specified circumstances.

The bill would also authorize the department, by regulation, to control the use of squid light boats, including providing for light boat permits, permit fees, forms for agreements between light boats and commercial squid vessels, and other conditions.

(2) Existing law requires a person who receives, transports, processes, or sells fish for commercial purposes to have a commercial fish business license of one of certain classes. Existing law also requires a person who receives fish from a commercial fisherman and is required to have a commercial fish business license and a person who is a commercial fisherman who sells his or her own fish to make a receipt for fish received or sold, respectively, to pay a landing tax.

Until April 1, 2001, this bill would require the department, by regulation, to issue commercial squid buyer's permits to an applicant who submits an application, pays the permit fee and meets specified conditions. The bill would require the department to establish the fee for the permit in an amount not to exceed the reasonable costs incurred by the department in administering the bill, including necessary research, or \$750, whichever is less. The bill would require a person buying squid to have a valid commercial squid buyer's permit issued by the department. The bill would require a person holding a commercial squid buyer's permit to make a true and accurate record of all squid landed or received for commercial purposes by that person. The bill would require the department to specify the format and disposition of the records by regulation. The bill would require vessel operators



to cooperate with the department in monitoring or tracking vessels.

The bill would require all funds collected pursuant to the bill to be used exclusively for the administration, enforcement, and research required pursuant to the bill.

The bill would require the department to undertake necessary research to evaluate the status of squid fishery and to make a report on or before June 1, 2000, to the Legislature, as specified.

The bill would prohibit the department from issuing new commercial squid vessel permits between April 30, 1998, and March 31, 2001, except renewal permits and transfers, as specified, or if specified conditions exist. The bill would also require the department, after public hearing, to establish annual quotas for commercial squid landings and to take specified actions based on that quota.

(3) Existing law makes a violation of the Fish and Game Code a new crime.

Because this bill would create new crimes, the bill would impose a state-mandated local program.

(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.

(5) Existing law requires fees and landing taxes collected by the department to be deposited in the Fish and Game Preservation Fund and continuously appropriates the fund to the department to carry out the Fish and Game Code and to the commission to pay the salaries and expenses of the members and employees of the commission.

Because this bill would add new fees to be deposited in the fund, would authorize new expenditures of money in the fund, and would impose new duties on the department, the bill would make an appropriation.

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.



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

1 ~~SECTION 1.—Section 8399 of the Fish and Game Code~~
2 *SECTION 1. Section 8399 of the Fish and Game Code*
3 *is amended and renumbered to read:*

4 ~~8399.—North~~
5 *8421. Except as otherwise provided in this article,*
6 *north of Point Conception, squid may be taken the year*
7 *around; however, the commission may adopt regulations*
8 *specifying the days of the week and the times of the day*
9 *when squid may be taken.*

10 *SEC. 2. Section 8399.1 of the Fish and Game Code is*
11 *amended and renumbered to read:*

12 ~~8399.1.—~~
13 *8422. (a) In District 10, it is unlawful to engage in the*
14 *following activities:*

15 (1) Attract squid by a light displayed from any vessel,
16 except a vessel deploying nets for the take, possession,
17 and landing of squid or from the seine skiff of the vessel
18 deploying nets for the take, possession, and landing of
19 squid.

20 (2) Attract squid by a light displayed from any vessel
21 whose primary purpose is not the deployment, or
22 assisting in the deployment, of nets for the take,
23 possession, and landing of squid.

24 (3) To encircle any vessel, other than by the seine skiff
25 of a vessel deploying nets for the take, possession, and
26 landing of squid, while that vessel is engaged in the taking
27 of squid.

28 (b) For purposes of this section, “seine skiff” means a
29 vessel that is not licensed by the federal government or
30 registered by the Department of Motor Vehicles, that is
31 used to assist a larger federally-licensed or
32 state-registered fishing vessel by assisting in the
33 deployment and retrieval of nets and the landing of fish,
34 and that travels with that larger fishing vessel at all times,
35 that is used solely at the direction of the operator of the
36 larger fishing vessel, and that is owned by the owner of
37 the larger fishing vessel.



1 SEC. 3. Article 9.7 (commencing with Section 8420)
2 is added to Chapter 2 of Part 3 of Division 6 of the Fish and
3 Game Code, to read:

4
5 Article 9.7. Squid

6
7 8420. The following definitions govern the
8 construction of this article:

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

11 (b) "Owner" means the person or persons designated
12 as the registered owner of a vessel on a certificate of
13 documentation issued by the United States Coast Guard.
14 An owner also includes any person who has a
15 lease-purchase agreement for the purchase of a vessel, or
16 any person who has made a significant financial
17 investment in a vessel for the purpose of fishing for squid.

18 (c) "Squid" means the species *Loligo opalescence*
19 which may also be known as "market squid."

20 8423. (a) On a vessel it is unlawful for a person to take
21 or possess squid for commercial purposes unless the vessel
22 displays a valid commercial squid vessel permit issued by
23 the department for that vessel.

24 (b) A commercial squid vessel permit shall be issued
25 to the owner of a vessel only if the owner or the owner's
26 agent has a valid commercial fishing license issued
27 pursuant to Section 7852 and the vessel is registered with
28 the department pursuant to Section 7881.

29 (c) No commercial squid vessel permit shall be issued
30 to a person who takes squid with other than purse seine,
31 lampara, or scoop nets.

32 (d) The commercial squid vessel permit must be
33 affixed to the vessel adjacent to the department
34 registration number and must be visible at all times. The
35 department shall prescribe the size and design of the
36 commercial squid vessel permit.

37 8424. (a) A commercial squid vessel permit shall be
38 issued annually, commencing with the permit for the
39 1998-99 permit year, to a person who submits an
40 application, pays the permit fee, and meets the other

1 requirements of this article. The permit shall be valid for
2 the permit year, consisting of the period from April 1 of
3 the year of issue to March 30, inclusive, of the succeeding
4 year, or if issued during that period, for the balance
5 thereof. The department shall not deny an application for
6 a permit or permit renewal without good cause.

7 (b) The department shall establish the fee for a
8 commercial squid vessel permit. The amount of the fee
9 shall not exceed the lesser of:

10 (1) The reasonable costs incurred by the department
11 in administering this article including necessary research
12 to assess the status of the squid resource.

13 (2) Seven hundred fifty dollars (\$750).

14 (c) No person shall be issued more than one
15 commercial squid vessel permit for each vessel that the
16 person owns. Not more than one commercial squid vessel
17 permit shall be issued for any one vessel.

18 (d) Upon the request of the owner of a commercial
19 squid vessel permit, the department shall transfer the
20 permit to a replacement vessel.

21 (e) If the owner of a commercial squid vessel permit
22 sells the vessel, the department shall cancel the seller's
23 commercial squid vessel permit and shall issue a new
24 permit to the new owner of the vessel if the new owner
25 otherwise satisfies all requirements for receipt of the
26 permit and pays the fee determined pursuant to
27 subdivision (b).

28 (f) No owner of a commercial squid vessel permit shall
29 profit from the sale, trade, or transference of the permit
30 to another person and nothing in this section shall be
31 interpreted to permit that profiting.

32 8425. The department may, by regulation, control the
33 use of squid light boats. The regulations may include the
34 requirement for light boat permits, a permit fee not to
35 exceed the amount of fee for a commercial squid vessel
36 permit, forms for agreements between light boats and
37 commercial squid vessels, and other conditions consistent
38 with those established for commercial squid vessels.

39 8426. (a) The department shall issue an annual
40 commercial squid buyer's permit to a person who submits



1 *an application, pays the permit fee, and meets the other*
2 *requirements of this section.*

3 *(b) A person who purchases squid shall have a valid*
4 *commercial squid buyer's permit issued by the*
5 *department.*

6 *(c) No person shall purchase squid from any vessel*
7 *that does not display a valid commercial squid vessel*
8 *permit.*

9 *(d) The department shall not issue a commercial squid*
10 *buyer's permit unless the facility or facilities operated by*
11 *the person are on land or attached to land, are not*
12 *otherwise floating or operating at sea, and are subject to*
13 *reasonable inspection by the department during normal*
14 *business hours as may be required to verify that landings*
15 *are by vessels displaying commercial squid vessel*
16 *permits.*

17 *(e) The fee for the commercial squid buyer's permit*
18 *shall not exceed the department's reasonable costs for the*
19 *administration of this article, including relevant research,*
20 *or seven hundred fifty dollars (\$750), whichever is less.*

21 *(f) The department shall not deny an application for*
22 *a permit or permit renewal without good cause.*

23 *8427. (a) Every person holding a commercial squid*
24 *vessel permit issued pursuant to Section 8424 or a*
25 *commercial squid buyer's permit issued pursuant to*
26 *Section 8426 shall make or have made a true and accurate*
27 *record of all squid landed or received for commercial*
28 *purposes by that person. The department shall, by*
29 *regulation, specify the format and disposition of the*
30 *records. Vessel operators shall reasonably accommodate*
31 *requests from the department to have observers present*
32 *when squid are being taken and shall reasonably*
33 *cooperate with the department if the department adopts*
34 *either a trial or a comprehensive plan to remotely*
35 *monitor or track vessels.*

36 *(b) The department shall undertake necessary*
37 *research including, if appropriate, biological assessments*
38 *to accurately evaluate the status of the squid fishery.*

39 *(c) Notwithstanding Section 7550.5 of the*
40 *Government Code, on or before June 1, 2000, the*



1 department shall report to the Legislature on the status
2 of the squid fishery and shall make recommendations for
3 a squid conservation and management plan to protect the
4 resource. The plan may include, if appropriate, time and
5 area closures, gear modification provisions, restrictions
6 on the use of light boats, temporary adjustable annual
7 quotas, provisions for determining whether or not the
8 number of vessels or days permitted for the taking of
9 squid should be further restricted, and other measures
10 the department concludes would help to sustain the
11 harvest of squid.

12 (d) When developing the report required by
13 subdivision (c), the department shall hold regular public
14 hearings in order to do all of the following:

15 (1) Consider proposals advanced by interested
16 parties.

17 (2) Hear public testimony.

18 (3) Advise interested parties on the progress of the
19 plan's development.

20 8428. Between April 30, 1998, and March 31, 2001, the
21 department shall not issue any commercial squid vessel
22 permits except for renewal permits and permit transfers
23 issued pursuant to subsections (d) and (e) of Section 8424
24 unless either of the following conditions exist:

25 (a) The number of active valid permits is less than the
26 number of permits in effect on April 30, 1998.

27 (b) The department, after public hearing, adopts
28 findings and conclusions that the issuance of a greater
29 number of vessel permits will not adversely affect the
30 squid fishery.

31 8429. (a) No permit authorized by this article, the
32 issuance of which is dependent on the permit holder's or
33 permit applicant's possession of an underlying permit or
34 license, shall be issued or remain valid once issued for as
35 long as the underlying permit or license is in a period of
36 suspension or revocation.

37 (b) Any person denied a permit authorized by this
38 article may appeal the denial to the department in
39 writing describing the basis for the appeal. The appeal



1 shall be received by the department within 60 days after
2 the department's denial.

3 8430. (a) Prior to April 1, 1998, and annually
4 thereafter, the department shall, after public hearing at
5 which findings are adopted, do one of the following:

6 (1) Establish an annual quota for commercial squid
7 landings. The quota shall not exceed, by more than 10
8 percent, the total tonnage of squid taken during one year,
9 between 1987 and 1996, in which the take was the
10 greatest.

11 (2) Determine if the hours or days of the week in
12 which squid may be taken should be reduced by up to 30
13 percent.

14 (b) If a quota is adopted, the quota shall be
15 apportioned among fisheries both north of and south of
16 Point Conception. After the quota is in effect, the
17 department shall estimate, based on the records
18 submitted pursuant to Section 8427, the date on which the
19 total amount of squid taken during the permit year will
20 equal the quota. When this estimate is calculated, the
21 department shall notify each permit holder that the quota
22 will be reached on that date and that thereafter no squid
23 may be taken until the following permit year.

24 (c) If the department determines to prohibit the
25 taking of squid during certain hours or on certain days,
26 preference for closure shall be given to the period
27 between noon on Saturday and sunset on Sunday.
28 Closures may be ordered for just some areas or for all
29 areas depending on the findings of the department.

30 (d) Before taking action pursuant to paragraphs (1) or
31 (2) of subdivision (a), the director shall adopt findings
32 that the action to be taken is necessary to maintain the
33 squid resource.

34 8431. All funds collected pursuant to this article shall
35 be used exclusively for the administration, enforcement,
36 and research required pursuant to this article.

37 8432. Section 8420 and Sections 8423 to 8432, inclusive,
38 shall become inoperative on April 1, 2001, and, as of
39 January 1, 2002, are repealed, unless a later enacted
40 statute, that becomes operative on or before January 1,



1 2002, deletes or extends the dates on which they become
2 inoperative and are repealed.

3 SEC. 4. No reimbursement is required by this act
4 pursuant to Section 6 of Article XIII B of the California
5 Constitution because the only costs that may be incurred
6 by a local agency or school district will be incurred
7 because this act creates a new crime or infraction,
8 eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section
10 17556 of the Government Code, or changes the definition
11 of a crime within the meaning of Section 6 of Article
12 XIII B of the California Constitution.

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

17 is amended to read:

18 ~~8399. North of Point Conception, squid may be taken~~
19 ~~for commercial purposes throughout the year ; however,~~
20 ~~the commission may adopt regulations specifying the~~
21 ~~days of the week and the times of the day when squid may~~
22 ~~be taken.~~

