

AMENDED IN SENATE MARCH 12, 1998
AMENDED IN SENATE AUGUST 25, 1997
AMENDED IN SENATE JULY 10, 1997
AMENDED IN ASSEMBLY JUNE 2, 1997
AMENDED IN ASSEMBLY MAY 1, 1997
AMENDED IN ASSEMBLY APRIL 2, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1204

Introduced by Assembly Member ~~Members~~ Keeley and Papan
(Principal coauthors: Senators ~~Karnette and Sher~~)

February 28, 1997

~~An act to add Sections 8421.2, 8423.2, 8424.5, 8424.7, 8427, 8427.5, and 8428.5 to the Fish and Game Code, relating to fish, and making an appropriation therefor. An act to amend Sections 8421, 8422, 8423, 8423.5, and 8429.7 of the Fish and Game Code, relating to fish, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1204, as amended, ~~Papan~~ Keeley. Squid.

(1) Existing law requires an owner of a vessel, on or after April 1, 1998, to obtain a commercial market squid vessel permit issued by the Department of Fish and Game prior to using that vessel to take or land market squid for commercial

purposes, as specified. Existing law also requires the owner of a squid light boat to obtain a commercial squid light boat owner's permit prior to operating that squid light boat.

This bill would require those permits to be obtained on or after April 1, 1999.

Existing law requires the department to establish the fee for a commercial market squid vessel permit and the fee for a commercial squid light boat owner's permit, pursuant to a specified formula. Under existing law, the department may reduce the renewal fees for those permits on or after January 1, 1999, if the department determines that sufficient revenues exist, as specified, to cover the department's costs, as specified.

This bill would, instead, authorize the department to reduce those fees on or after January 1, 2000.

Existing law provides for the above provisions to become inoperative on April 1, 2001, and to be repealed as of January 1, 2002.

This bill would extend those dates to April 1, 2002, and January 1, 2003, respectively.

(2) The bill would provide that it is to take effect immediately as an urgency statute.

~~(1) Under existing law, squid may be taken for commercial purposes north of Point Conception the year round, 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 provides that a violation of the Fish and Game Code is a crime.~~

~~This bill would provide for the issuance of commercial market squid vessel permits, commercial squid light boat owner's permits, and commercial squid primary receiver's permits, as specified. The bill would establish qualifications for obtaining those permits.~~

~~The bill would, except as specified, prohibit a person from purchasing squid from any vessel unless the vessel's owner holds and displays a valid commercial market squid vessel permit and the purchaser holds a commercial squid primary receiver's permit. The bill would also, except as specified, prohibit a person who holds a commercial market squid vessel~~



~~permit from selling squid to any person unless the purchaser holds a commercial squid primary receiver's permit.~~

~~The bill would provide that applications for a commercial squid primary receiver's permit shall be received by the Department of Fish and Game on or before April 30, 1998, or, if, mailed, postmarked by that date. Applications for a permit renewal shall also be received on, or postmarked by, April 30 of each year. The bill would require the department to establish the fee for the commercial squid primary receiver's permit in an amount that is equal to the fee for a commercial market squid vessel permit.~~

~~The bill would impose a state-mandated local program by creating new crimes.~~

~~(2) 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.~~

~~(3) 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 impose new duties on the department, the bill would make an appropriation.~~

~~(4) The bill would become operative only if SB 364 is enacted and becomes effective on or before January 1, 1998.~~

~~Vote: majority ²/₃. Appropriation: yes *no*. Fiscal committee: yes. State-mandated local program: yes *no*.~~

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

- 1 ~~SECTION 1. Section 8421.2 is added to the Fish and~~
- 2 ~~SECTION 1. Section 8421 of the Fish and Game Code~~
- 3 ~~is amended to read:~~
- 4 ~~8421. (a) On or after April 1, 1998 1999, no person~~
- 5 ~~shall use a vessel to take or land market squid with dip~~
- 6 ~~nets (commonly referred to as scoop nets), purse seine~~



1 nets, or lampara nets for commercial purposes unless the
2 owner of that vessel has been issued a commercial market
3 squid vessel permit by the department that has not been
4 suspended or revoked.

5 (b) A commercial market squid vessel permit shall be
6 issued only for vessels employing dip, purse seine, or
7 lampara nets for the taking of market squid for
8 commercial purposes. No permit is required for any
9 vessel taking or landing market squid for commercial
10 purposes if the amount taken by the vessel does not
11 exceed two tons landed in a calendar day or if the squid
12 taken is used for live bait only. No other nets shall be used
13 for the taking of market squid from a vessel for
14 commercial purposes. Furthermore, it is unlawful to
15 possess in excess of two tons of incidentally taken squid
16 per trip.

17 (c) A commercial market squid vessel permit shall be
18 issued to a person only if that person is the owner of
19 record of the commercial fishing vessel for which the
20 permit is issued and the vessel is registered with the
21 department pursuant to Section 7881.

22 (d) A commercial market squid vessel permit shall be
23 issued only to the person who owns the vessel at the time
24 of application for that permit. For purposes of this
25 subdivision, an owner includes any person who has a
26 lease-purchase agreement for the purchase of a vessel.

27 (e) No person who is issued a commercial market
28 squid vessel permit shall sell, trade, or transfer the permit
29 to another person.

30 (f) A commercial market squid vessel permit shall be
31 issued annually, commencing with the permit for the
32 ~~1998-99~~ 1999-2000 permit year.

33 (g) A violation of this section does not constitute a
34 misdemeanor; however, pursuant to Section 7857, the
35 commission may revoke or suspend the commercial
36 market squid vessel permit or commercial fishing license
37 held by any person who violates this section.

38 (h) Squid landed in excess of the limit specified in
39 subdivision (b) of Section 8421 without a permit shall be
40 forfeited to the department by the signing of an official



1 release of property form. The squid shall be sold or
2 disposed of in a manner to be determined by the
3 department. The proceeds from all sales shall be paid into
4 the Fish and Game Preservation Fund.

5 *SEC. 2. Section 8422 of the Fish and Game Code is*
6 *amended to read:*

7 8422. (a) Notwithstanding subdivision (d) of Section
8 1050, the department shall establish the fee for a
9 commercial market squid vessel permit in an amount not
10 to exceed the reasonable costs incurred by the
11 department in administering this article, including any
12 necessary biological assessments of the market squid
13 resource, or two thousand five hundred dollars (\$2,500),
14 whichever is less. On and after January 1, ~~1999~~ 2000, the
15 department may reduce the permit renewal fee if it
16 determines that sufficient revenues exist from both
17 private and public sources to cover the cost incurred by
18 the department in administering this article.

19 (b) All applications for a commercial market squid
20 vessel permit for the ~~1998-99~~ 1999-2000 permit year shall
21 be received by the department on or before April 30, ~~1998~~
22 1999, or, if mailed, shall be postmarked by April 30, ~~1998~~
23 1999. In order to renew a permit, an applicant shall have
24 been issued a commercial market squid vessel permit in
25 the immediately preceding year. Applications for
26 renewal of the permit shall be received by the
27 department on or before April 30 of each year, or, if
28 mailed, shall be postmarked by April 30 of each year.

29 (c) Notwithstanding Section 7852.2, a penalty of two
30 hundred fifty dollars (\$250) shall be paid in addition to
31 the fee required under subdivision (a) for applications
32 that do not meet the deadline specified in subdivision (b)
33 but that are received by the department on or before May
34 31 of any year.

35 (d) The department shall deny all applications
36 received after May 31 of each year, and the application
37 shall be returned to the applicant who may appeal the
38 denial to the commission. If the commission issues a
39 permit following an appeal, it shall assess the late penalty
40 prescribed by subdivision (c).



1 SEC. 3. Section 8423 of the Fish and Game Code is
2 amended to read:

3 8423. (a) ~~On or after April 1, 1999~~, no person shall
4 operate a squid light boat unless the owner of the boat has
5 been issued a commercial squid light boat owner's permit
6 by the department and a permit number is affixed to the
7 boat in the manner prescribed by the department.

8 (b) The department shall issue a commercial squid
9 light boat owner's permit to a person who submits an
10 application, pays the permit fee, and meets the other
11 requirements of this section.

12 (c) The department may regulate the use of squid
13 light boats consistent with the regulations established for
14 commercial squid vessels.

15 (d) Notwithstanding subdivision (d) of Section 1050,
16 the department shall establish the fee for a commercial
17 squid light boat owner's permit in an amount not to
18 exceed the reasonable costs incurred by the department
19 in administering this article, including any necessary
20 regulations controlling the use of squid light boats, or two
21 thousand five hundred dollars (\$2,500), whichever is less.
22 On and after January 1, ~~1999~~ 2000, the department may
23 reduce the renewal permit fee if it determines that
24 sufficient revenues exist from both private and public
25 sources to cover costs incurred by the department in
26 administering this article.

27 (e) It is unlawful for a person to engage in the
28 following activities, unless the vessel used for the activity
29 has been issued a commercial market squid vessel permit
30 or the person holds a commercial squid light boat owner's
31 permit:

32 (1) Attracting squid by light displayed from a vessel,
33 except from a vessel deploying nets for the take,
34 possession, and landing of squid or except from the seine
35 skiff of the vessel deploying nets for the take, possession,
36 and landing of squid.

37 (2) Attracting squid by light displayed from a vessel
38 whose primary purpose is other than the deployment, or
39 assistance in the deployment, of nets for the take,
40 possession, and landing of squid.



1 (f) A commercial squid light boat owner's permit shall
2 be issued to a person who is the owner of record of a vessel
3 that is registered with the department pursuant to
4 Section 7881. For purposes of this subdivision, an owner
5 includes any person who has a lease-purchase agreement
6 for the purchase of a vessel.

7 *SEC. 4. Section 8423.5 of the Fish and Game Code is*
8 *amended to read:*

9 8423.5. (a) All applications for a commercial squid
10 light boat owner's permit for the ~~1998~~ 1999 permit year
11 shall be received by the department on or before April 30,
12 ~~1998~~ 1999, or, if mailed, shall be postmarked by April 30,
13 ~~1998~~ 1999. In order to renew a permit, an applicant shall
14 have been issued a commercial squid light boat owner's
15 permit in the immediately preceding year. Applications
16 for renewal of the permit shall be received by the
17 department on or before April 30 of each year, or, if
18 mailed, shall be postmarked by April 30 of each year.

19 (b) Notwithstanding Section 7852.2, a penalty of two
20 hundred fifty dollars (\$250) shall be paid in addition to
21 the fee required under subdivision (a) for applications
22 that do not meet the deadline specified in subdivision (b)
23 but that are received by the department on or before May
24 31 of any year.

25 (c) The department shall deny all applications
26 received after May 31 of each year, and the application
27 shall be returned to the applicant who may appeal the
28 denial to the commission. If the commission issues a
29 license following an appeal, it shall assess the late penalty
30 prescribed by subdivision (b).

31 *SEC. 5. Section 8429.7 of the Fish and Game Code is*
32 *amended to read:*

33 8429.7. This article shall become inoperative on April
34 1, ~~2001~~ 2002, and, as of January 1, ~~2002~~ 2003, is repealed,
35 unless a later enacted statute, that becomes operative on
36 or before January 1, ~~2002~~ 2003, deletes or extends the
37 dates on which it becomes inoperative and is repealed.

38 *SEC. 6. This act is an urgency statute necessary for the*
39 *immediate preservation of the public peace, health, or*
40 *safety within the meaning of Article IV of the*



1 *Constitution and shall go into immediate effect. The facts*
 2 *constituting the necessity are:*
 3 *In order to afford relief to commercial squid fishermen*
 4 *in California who have suffered severe hardships due to*
 5 *the warm water conditions caused by El Niño, it is*
 6 *necessary for this act to take effect immediately.*

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**All matter omitted in this version of the
 bill appears in the bill as amended in the
 Senate, August 25, 1997 (JR 11)**

CORRECTIONS
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