

Assembly Bill No. 1928

CHAPTER 464

An act to amend Sections 8030, 8041, and 8780 of the Fish and Game Code, relating to fishing, and making an appropriation therefor.

[Approved by Governor September 13, 1998. Filed
with Secretary of State September 14, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1928, Morrow. Commercial fishing.

(1) Existing law requires any person who engages in any business for profit involving fish, except as specified, to obtain a commercial fish business license or a specialty license issued by the Department of Fish and Game.

This bill would additionally except from the above requirement a person who purchases, sells, takes, or receives live marine fish for use as live bait, which are not brought ashore, and who does not engage in the activities of a fish receiver, marine aquaria receiver, fish processor, fish wholesaler, or fish importer.

(2) Existing law requires specified persons, including commercial fishermen who sell fish to persons who are not licensed fish receivers, to pay landing taxes.

This bill would exempt from the landing tax requirement, a person who purchases, sells, takes, or receives live marine fish for use as live bait, that are not brought ashore, and who does not engage in the activities of a fish receiver, marine aquaria receiver, fish processor, fish wholesaler, or fish importer.

(3) Existing law makes it unlawful to use or operate, or to assist in using or operating, any bait net, as defined, to take fish, except as specified, and except in specified fish and game districts, as provided. In particular, existing law provides that, in District 19A, bait nets may be used to take specified fish for bait only.

This bill would provide that, in District 19A, bait nets may be used to take specified fish for live bait purposes only.

(4) Under existing law, a bait net may not have rings along the lead line or any method of pursuing the bottom of the net.

This bill would except from that prohibition, drum seines and other round haul nets authorized under a permit issued by the department.

(5) Existing law requires all permit fees collected by the department to be deposited in the Fish and Game Preservation Fund and continuously appropriates the money in the fund to the department to pay all necessary expenses incurred in carrying out the Fish and Game Code.

This bill would make an appropriation by providing new revenues to that fund and by imposing new duties on the department payable from that fund.

Appropriation: yes.

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

SECTION 1. Section 8030 of the Fish and Game Code is amended to read:

8030. Any person who engages in any business for profit involving fish shall be licensed pursuant to this article, except as follows:

(a) A commercial fisherman who sells fish only to persons licensed under this article to purchase or receive fish from commercial fishermen and who does not engage in any activity described in Section 8034, 8035, or 8036 unless licensed to engage in both activities.

(b) A person licensed pursuant to Section 8460 who only takes, transports, or sells live freshwater fish for bait.

(c) A person who sells fish or aquaculture products only at retail to the ultimate consumer if that person does not conduct any activities described in Section 8033, 8035, or 8036.

(d) Pursuant to Division 12 (commencing with Section 15000), a person who deals only in products of aquaculture.

(e) A person who deals only with nonnative live products that are not utilized for human consumption but that are utilized solely for pet industry or hobby purposes and who does not engage in the activities described in Section 8033.1.

(f) A person who is employed by the fish receiver to unload fish or fish products from a commercial fishing boat at a dock.

(g) A person who purchases, sells, takes, or receives live marine fish for use as live bait, which are not brought ashore, and who does not engage in any activity described in Section 8033, 8033.1, 8034, 8035, or 8036.

SEC. 2. Section 8041 of the Fish and Game Code is amended to read:

8041. (a) The following persons shall pay the landing tax determined pursuant to Section 8042:

(1) Any person who is required to be licensed as a fish receiver, and any person who is licensed before January 1, 1987, as a wholesaler or a processor pursuant to former Section 8040 and who receives fish from commercial fishermen.

(2) Any commercial fisherman who sells fish to any person who is not a licensed fish receiver.

(b) Notwithstanding subdivision (a), a person licensed pursuant to Section 8460 who only takes, transports, or sells live freshwater fish for bait or a commercial fisherman who sells live freshwater fish for bait to such a licensed person, and a person licensed pursuant to Section 8033.1 who takes, transports, or sells live aquaria fish as



described in Section 8597 or a commercial fisherman who sells live aquaria fish, are exempt from the landing tax imposed under this article. It is the intent of the Legislature that the license fee for live aquaria fish described in Section 8033.1 shall be in lieu of a landing tax.

(c) Notwithstanding subdivision (a), a person who purchases, sells, takes, or receives live marine fish for use as live bait as described in subdivision (g) of Section 8030 is exempt from the landing tax imposed under this article.

SEC. 3. Section 8780 of the Fish and Game Code is amended to read:

8780. (a) As used in this chapter, the term “bait net” means a lampara or round haul type net, the mesh of which is constructed of twine not exceeding Standard No. 9 medium cotton seine twine or synthetic twine of equivalent size or strength. Notwithstanding Section 8757, except for drum seines and other round haul nets authorized under a permit issued by the department pursuant to this section, the nets may not have rings along the lead line or any method of pursuing the bottom of the net.

(b) Bait nets may be used to take fish for bait in Districts 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 19A, 19B, 20A, 21, 118, and 118.5.

(c) In District 19A, bait nets may be used only to take anchovies, queenfish, white croakers, sardines, mackerel, squid, and smelt for live bait purposes only. Bait nets may not be used within 750 feet of Seal Beach Pier or Belmont Pier.

(d) No other species of fish may be taken on any boat carrying a bait net in District 19A, except that loads or lots of fish may contain not more than 18 percent, by weight of the fish, of other bait fish species taken incidentally to other fishing operations and that are mixed with other fish in the load or lot.

