

Introduced by Senator Thompson

February 28, 1997

An act to add Article 17.5 (commencing with Section 8585) to Chapter 2 of Part 3 of Division 6 of the Fish and Game Code, relating to commercial fishing, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1336, as introduced, M. Thompson. Commercial fishing: rockfish: license stamps.

(1) Existing law requires any person who takes or lands fish for commercial purposes to obtain a commercial fishing license and, for certain fisheries, a permit or license stamp.

This bill, which would become operative on April 1, 1998, would require the Department of Fish and Game to review state and federal research of rockfish stocks of the Sebastes complex and to report to the Legislature on or before January 1, 2000, its findings and recommendations, as specified. The bill would require the expenses of the department to perform the study and prepare the report to be paid from the Rockfish Account, created by the bill in the Fish and Game Preservation Fund and continuously appropriated to the department for purposes of the bill.

The bill would prohibit a person from taking rockfish of the Sebastes complex for commercial purposes or from being on board a vessel on which rockfish are taken for commercial purposes while rockfish are being taken or transported unless that person has a commercial rockfish stamp issued by the department affixed to his or her commercial fishing license.

The bill would require the department to issue to any person holding a commercial fishing license a commercial rockfish stamp upon application therefor and payment of a fee of \$85. The bill would, notwithstanding the prohibition on obtaining more than one entitlement of a single type, authorize the department to issue an additional commercial rockfish stamp for a crewmember to the owner or operator of a vessel who holds a commercial rockfish stamp upon application and payment of an additional fee for the stamp. The additional stamp would authorize one crewmember to be aboard the vessel who does not have a commercial rockfish stamp without obtaining a commercial rockfish stamp under specified conditions. The bill would require the revenue from the fees to be deposited in the Rockfish Account.

The bill would also require the Director of Fish and Game to appoint a Rockfish Advisory Committee of specified membership to perform specified duties relating to the rockfish fishery, including reviewing project and program proposals to be funded from the Rockfish Account. The bill would require the members of the advisory committee to serve without compensation and would make the terms of the members 2 years.

(2) Existing law requires any person who sells fish that person has taken or who buys fish from persons licensed to take fish for commercial purposes, including rockfish, to pay landing taxes in specified amounts. The revenue from the landing taxes are required to be deposited in the Fish and Game Preservation Fund.

This bill would require a supplemental landing tax on all rockfish landed in this state in an amount equal to the rate of the landing tax for rockfish established by that existing law to be paid in addition to that existing landing tax by each person who is licensed to receive fish for commercial purposes, as specified, who purchases rockfish from persons who are licensed commercial fishers. The bill would require the supplemental landing tax to be deposited into the Rockfish Account.

(3) The bill would also prohibit a person from taking live rockfish of the *Sebastes* complex for commercial purposes or from being on board a vessel on which rockfish are taken alive



for commercial purposes while rockfish are being taken or transported unless that person has a commercial live rockfish fishing stamp issued by the department affixed to his or her commercial fishing license. The bill would require the department to issue to any person holding a commercial fishing license who took or landed not less than a total of 500 pounds of rockfish for sale alive in this state between March 1, 1992, and March 1, 1997, a commercial live rockfish fishing permit upon application therefor and payment of an annual fee of \$50. The bill would require the revenue from the fees to be deposited into the Rockfish Account.

The bill would repeal the provisions relating to the commercial live rockfish permit on January 1, 2001.

(4) Existing law makes a violation of the requirements, prohibitions, and regulations adopted under the bill a crime. The bill would, thereby, impose a state-mandated local program by creating new crimes.

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 certain revenues to be deposited in the Fish and Game Preservation Fund and continuously appropriates the money in that fund to the department to pay specified refunds and to pay all necessary expenses incurred in carrying out the Fish and Game Code and any other laws for the protection and preservation of birds, mammals, reptiles, and fish.

This bill would make an appropriation by imposing new duties on the department and by providing a new source of revenue to that fund.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.



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

1 SECTION 1. Article 17.5 (commencing with Section
2 8585) is added to Chapter 2 of Part 3 of Division 6 of the
3 Fish and Game Code, to read:

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Article 17.5. Rockfish

7 8585. This act shall be known and may be cited as the
8 Rockfish Research, Conservation, and Management Act.

9 8585.5. The Legislature finds and declares that
10 important commercial and recreational fisheries exist on
11 numerous stocks of rockfish of the Sebastes complex in
12 ocean waters off the California coast, that there is
13 increasing pressure being placed on these fish from
14 recreational and commercial fisheries, including the live
15 fish fishery, that rockfish are slow growing and long lived,
16 and that, if depleted, rockfish populations may take
17 decades to rebuild. The Legislature further finds and
18 declares that, although extensive rockfish research has
19 been conducted by the state and federal government,
20 there are many gaps in information on these stocks and
21 their habitats, there is no program currently for the
22 systematic research, conservation, and management of
23 rockfish stocks and the sustainability of recreational and
24 commercial rockfish fisheries, and a program for the
25 research and conservation of rockfish and their habitat
26 and management of the rockfish fishery is necessary.

27 8586. (a) In consultation with the National Marine
28 Fisheries Service, the Pacific Fishery Management
29 Council, and the Rockfish Advisory Committee
30 established pursuant to Section 8587.5, the department
31 shall review all research conducted by the state and
32 federal government of rockfish stocks of the Sebastes
33 complex found off California’s ocean shore to determine
34 all of the following:

35 (1) The status of existing knowledge of rockfish stocks
36 and their habitats.

37 (2) What further information is needed regarding the
38 stocks or specific species of rockfish and their habitats for



1 the purpose of establishing a program for the research
2 and conservation of rockfish.

3 (3) The status and trends of the current fisheries
4 engaged in the harvest of rockfish stocks off of California's
5 ocean shore.

6 (b) Notwithstanding Section 7550.5 of the
7 Government Code, on or before January 1, 2000, in
8 consultation with the Rockfish Advisory Committee, the
9 department shall prepare and publish its findings and
10 recommendations in a report to the Legislature on all of
11 the following:

12 (1) The current status of the knowledge of rockfish
13 stocks and their habitats found off the California ocean
14 shore.

15 (2) What additional research or population
16 assessments may be required for the conservation of
17 rockfish.

18 (3) What measures, if any, are required to protect
19 rockfish habitats.

20 (4) What measures are needed to manage the fishery
21 on rockfish stocks within state waters to assure sustainable
22 commercial and recreational harvests.

23 (c) Wherever feasible, the department shall
24 cooperate and coordinate with the National Marine
25 Fisheries Service and the Pacific Fishery Management
26 Council on the research, conservation, and management
27 of rockfish stocks.

28 (d) Funding to pay the costs of this section shall be
29 made available from the Rockfish Account created
30 pursuant to subdivision (e) of Section 8587.

31 (e) This section shall remain in effect only until
32 January 1, 2001, and as of that date is repealed, unless a
33 later enacted statute, that is enacted before January 1,
34 2001, deletes or extends that date.

35 8587. (a) No person who is 16 years of age or more
36 and less than 70 years of age shall take rockfish of the
37 Sebastes complex for commercial purposes or be on board
38 a vessel on which rockfish are taken for commercial
39 purposes while rockfish are being taken or transported
40 unless that person has a commercial rockfish stamp issued



1 pursuant to this section affixed to his or her commercial
2 fishing license issued pursuant to Section 7852.

3 (b) The department shall issue to any person holding
4 a commercial fishing license a commercial rockfish stamp
5 upon application therefor and payment of a fee of
6 eighty-five dollars (\$85).

7 (c) Notwithstanding Section 1053, upon application
8 and payment of an additional fee equal to that prescribed
9 in subdivision (b), the department may issue an
10 additional commercial rockfish stamp for a crewmember
11 to the owner or operator of a vessel who holds a
12 commercial rockfish stamp.

13 (d) Notwithstanding subdivision (b), one
14 crewmember of a vessel for which a commercial rockfish
15 stamp is issued pursuant to subdivision (c) may be aboard
16 that vessel and take rockfish for commercial purposes as
17 a crewmember on that vessel without obtaining a
18 commercial rockfish stamp under the following
19 conditions:

20 (1) The crewmember is designated as prescribed by
21 the department by name and commercial fishing license
22 number on a form furnished by the department before
23 rockfish are taken on the vessel when that crewmember
24 is aboard.

25 (2) The crewmember has a valid commercial fishing
26 license issued under Section 7852.

27 (3) The commercial rockfish stamp for the
28 crewmember is affixed to the form prescribed in
29 paragraph (1) on which the vessel registration number of
30 the vessel is entered and on which the crewmember who
31 is exempted by this subdivision is designated by the last
32 entered name and commercial fishing license number.

33 (e) After deducting the administrative costs for
34 issuing the commercial rockfish stamps, the department
35 shall deposit the fees received pursuant to subdivision (b)
36 and the supplemental landing taxes collected pursuant to
37 Section 8587.6 in the Rockfish Account, which is hereby
38 created in the Fish and Game Preservation Fund.
39 Notwithstanding Section 13340 of the Government Code,
40 the money in the Rockfish Account is continuously



1 appropriated without regard to fiscal years to the
2 department for the purposes of this article.

3 8587.5. (a) The director shall appoint a Rockfish
4 Advisory Committee consisting of five members, as
5 follows:

6 (1) One member chosen from persons issued a
7 commercial fishing license pursuant to Section 7852 who
8 is engaged in the commercial longline fishery for rockfish.

9 (2) One member chosen from persons issued a
10 commercial fishing license pursuant to Section 7852 who
11 is engaged in the commercial live rockfish fishery.

12 (3) One member chosen from persons issued a
13 commercial fishing license pursuant to Section 7852 who
14 is engaged in the commercial net fishery for rockfish.

15 (4) One member who is from California who is a
16 member of the Pacific Fishery Management Council, if
17 permitted by federal law.

18 (5) One member chosen from persons who have been
19 issued a commercial fish business license pursuant to
20 Section 8032 or a fish receiver's license pursuant to
21 Section 8033 who is engaged in the rockfish fishery.

22 (b) The Rockfish Advisory Committee shall do all of
23 the following:

24 (1) Review with the department the current status of
25 knowledge of rockfish and their habitats.

26 (2) Consult with and assist the department in its report
27 to the Legislature required pursuant to Section 8586.

28 (3) Review all department and privately submitted
29 project or program proposals for rockfish research,
30 protection, fishery management, habitat restoration, and
31 education pertaining to rockfish proposed for funding
32 from the Rockfish Account and recommend to the
33 department those projects or programs to be funded.

34 (c) The term of appointment of members to the
35 Rockfish Advisory Committee shall be two years. The
36 advisory committee members shall serve without
37 compensation, but the department shall pay the
38 necessary and proper expenses, if any, of the members of
39 the committee incurred in the performance of official
40 duties from the Rockfish Account.



1 (d) The department shall adopt regulations necessary
2 to carry out this section.

3 (e) This section shall remain in effect only until
4 January 1, 2001, and as of that date is repealed, unless a
5 later enacted statute, that is enacted before January 1,
6 2001, deletes or extends that date.

7 8587.6. A supplemental landing tax on all rockfish
8 landed in this state in an amount equal to the rate of the
9 landing tax for rockfish established pursuant to Section
10 8051 shall be paid in addition to that landing tax by each
11 person who is licensed pursuant to Section 8032 or 8033
12 who purchases rockfish from persons licensed pursuant to
13 Section 7852 and shall be remitted at the same time the
14 reports and payment of landing taxes are due. The
15 supplemental landing tax shall be deposited into the
16 Rockfish Account created by subdivision (e) of Section
17 8587.

18 8588. (a) No person licensed pursuant to Section
19 7852 who takes and lands rockfish in their name for sale
20 alive shall take or land rockfish alive without a
21 commercial live rockfish permit issued by the
22 department pursuant to subdivision (b).

23 (b) The department shall issue, upon request and
24 payment of an annual fee of fifty dollars (\$50), an annual
25 commercial live rockfish permit to any person who has a
26 license issued pursuant to Section 7852 and who took or
27 landed not less than a total of 500 pounds of rockfish for
28 sale alive in this state, as documented by landing receipts
29 and any other documentation that the department may
30 reasonably require, between March 1, 1992, and March 1,
31 1997.

32 (c) Live rockfish commercial fishing permits issued
33 pursuant to this section may be renewed in subsequent
34 years by any person qualified pursuant to subdivision (b)
35 to be issued the permit.

36 (d) A commercial live rockfish permit is not
37 transferable, except pursuant to regulations adopted by
38 the department. The regulations shall provide, in the
39 event of death, serious illness, or permanent disability of
40 the permit holder, or to prevent a hardship, for the



1 transfer of the permit to a family member of the permit
2 holder or a crewmember aboard the vessel of the permit
3 holder.

4 (e) After deducting the administrative costs for
5 issuing the commercial live rockfish permits, the
6 department shall deposit the fees received pursuant to
7 subdivision (b) in the Rockfish Account created by
8 subdivision (e) of Section 8587.

9 (f) The department shall adopt regulations necessary
10 to carry out this section.

11 (g) This section shall remain in effect only until
12 January 1, 2001, and as of that date is repealed, unless a
13 later enacted statute, that is enacted before January 1,
14 2001, deletes or extends that date.

15 8589. This article shall become operative on April 1,
16 1998.

17 SEC. 2. No reimbursement is required by this act
18 pursuant to Section 6 of Article XIII B of the California
19 Constitution because the only costs that may be incurred
20 by a local agency or school district will be incurred
21 because this act creates a new crime or infraction,
22 eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section
24 17556 of the Government Code, or changes the definition
25 of a crime within the meaning of Section 6 of Article
26 XIII B of the California Constitution.

27 Notwithstanding Section 17580 of the Government
28 Code, unless otherwise specified, the provisions of this act
29 shall become operative on the same date that the act
30 takes effect pursuant to the California Constitution.

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