

AMENDMENTS TO SENATE BILL NO. 500
AS AMENDED IN SENATE APRIL 27, 2023

Amendment 1

In the title, in line 2, after "Sections" insert:

7857, 8030, 8032.5, 8041, 8043, 8043.2, 8045, 8046, 8046.1, 8047, 8280.3, 8285, 8405.2, 8615,

Amendment 2

On page 3, before line 18, insert:

SECTION 1. Section 7857 of the Fish and Game Code is amended to read:
7857. Unless otherwise specified, the following conditions apply to each commercial fishing license, permit, or other entitlement issued to take, possess aboard a boat, or land fish for commercial purposes and to each commercial boat registration issued by the department, except licenses issued pursuant to Article 7 (commencing with Section 8030):

(a) The person to whom a commercial fishing permit or other entitlement is issued shall have a valid commercial fishing license issued pursuant to Section 7852 that is not revoked or suspended.

(b) The commission, after notice and opportunity for hearing, may suspend, revoke, or cancel commercial fishing privileges for a period of time to be determined by the commission for the following reasons:

(1) The person was not lawfully entitled to be issued the license, permit, or other entitlement.

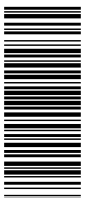
(2) A violation of this code, the terms of the permit or other entitlement, or the regulations adopted pursuant thereto, by the licensee, permittee, person holding the entitlement, or ~~his or her~~ their agent, servant, employee, or person acting under the licensee's, permittee's, or entitled person's direction or control.

(3) A violation of any federal law relating to the fishery for which the license, permit, or other entitlement was issued by the licensee, permittee, person holding the entitlement, or ~~his or her~~ their agent, servant, employee, or person acting under the licensee's, permittee's, or entitled person's direction or control.

(c) The person to whom the commercial fishing license, permit, or other entitlement is issued shall be present when fish are being taken, possessed aboard a boat, or landed for commercial purposes. This subdivision does not apply to commercial fishing vessel permits or licenses.

(d) The commercial fishing license, permit, or other entitlement shall be in the licensee's, permittee's, or entitled person's possession, or immediately available to the licensee, permittee, or entitled person at all times when engaged in any activity for which the commercial fishing license, permit, or entitlement is required.

(e) Not more than one individual commercial fishing license, permit, or other entitlement of a single type shall be issued to an individual person and not more than



one commercial vessel fishing license, permit, or other entitlement of a single type shall be issued for each vessel.

(f) Any landing of fish used to qualify for, or renew, a commercial fishing license, permit, or other entitlement shall be reported on ~~landing receipts~~ electronic fish tickets delivered to the department pursuant to Section 8046.

(g) In addition to any other requirements in Article 7.5 (commencing with Section 8040), the name of the person issued the commercial fishing license, permit, or other entitlement authorizing the taking of the fish shall be included on the ~~landing receipt~~ electronic fish ticket for that landing.

(h) An application for a commercial fishing license, permit, or other entitlement shall be made on a form containing the information the department may require. The commercial fishing license, permit, or other entitlement shall be signed by the holder prior to use.

(i) Any person who has had a commercial fishing license, permit, or other entitlement suspended or revoked shall not engage in that fishery, and shall not obtain any other commercial fishing license, permit, or other entitlement that authorizes engaging in that fishery, while the suspension or revocation is in effect.

(j) A commercial fishing license, permit, or other entitlement is not transferable unless otherwise expressly specified in this code.

(k) Every commercial fishing license, permit, stamp, commercial boat registration, or other entitlement issued pursuant to this part, except commercial fish business licenses issued pursuant to Article 7 (commencing with Section 8030), is valid from April 1 to March 31 of the next following calendar year or, if issued after the beginning of that term, for the remainder of that term.

(l) A person who holds a commercial fishing vessel permit or other entitlement authorizing the use of a vessel for commercial fishing shall also hold a valid commercial boat registration for that vessel, issued pursuant to Section 7881, that has not been suspended or revoked.

(m) A person who holds a commercial fishing license, permit, registration, or other entitlement, who moves or acquires a new address shall notify the department of the old and new addresses within three months of acquiring the new address.

(n) An application to transfer any permit or other entitlement to take fish for commercial purposes shall be deferred if the current holder of the permit or other entitlement is awaiting final resolution of any pending criminal, civil, or administrative action that could affect the status of the permit or other entitlement.

SEC. 2. 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 exclusively as live bait, that are not brought ashore, and who ~~does not engage in any activity described in Section 8033, 8033.1, 8034, 8035, or 8036.~~ has registered as a live bait dealer with the department.

(h) A person who does not purchase or obtain fish, but who acts as an agent for others while negotiating purchases, or sales of fish in return for a fee, commission, or other compensation.

SEC. 3. Section 8032.5 of the Fish and Game Code is amended to read:

8032.5. Unless otherwise specified, all of the following conditions apply to each commercial fish business license, permit, or other entitlement pursuant to this article:

(a) An application for a commercial fish business license, permit, or other entitlement shall be made on a form containing information as required by the department. The commercial fish business license shall be signed by the holder before use.

(b) Any person who has had a commercial fish business license suspended or revoked shall not engage in that business activity, and shall not receive any other commercial fish business license, permit, or other entitlement that authorizes engaging in that business activity, while the suspension or revocation is in effect.

(c) The commission, after notice and opportunity for hearing, may suspend, revoke, or cancel commercial fish business privileges for a period of time to be determined by the commission for any of the following reasons:

(1) The person was not lawfully entitled to be issued the license, permit, or other entitlement.

(2) Any violation of this code, the regulations adopted pursuant to this code, or the terms of the permit or other entitlement by the licensee, permittee, person holding the entitlement, or ~~his or her~~ their agent, servant, employee, or person acting under the licensee's, permittee's, or entitled person's direction or control.

(3) Any violation of any federal law relating to the fishery for which the license, permit, or other entitlement was issued by the licensee, permittee, person holding the entitlement, or ~~his or her~~ their agent, servant, employee, or person acting under the licensee's, permittee's, or entitled person's direction or control.

(d) A commercial fish business license, permit, or other entitlement is not transferable unless otherwise expressly specified in this code.

(e) Any person who holds a commercial fish business license, permit, or other entitlement, who moves or acquires a new or additional plant, facility, or other place of business for profit involving fish, shall notify the department of the address within three months of commencing business activities at the address.

(f) Each plant, facility, or other place of business in which an activity occurs that is required to be licensed under this article shall have a copy of each required license on display and available for inspection at any time by the department.

(g) Any person licensed pursuant to this article shall provide the department, at the time of application, with the business name, business address, and business telephone number for all locations doing business under the authority of the person's commercial fish business license, permit, or entitlement.

(h) Any person licensed pursuant to this article who is subject to landing fees, as defined in Section 8041, and who has failed to pay all landing fees and penalties pursuant to Section 8053, shall not be allowed to renew ~~his or her~~ their commercial fish business license, permit, or entitlement until payment is made in full to the department.

(i) Any person licensed pursuant to this article who is subject to landing fees, as defined in Section 8041, who fails to submit ~~landing receipts~~ electronic fish tickets pursuant to Section 8046, may be subject to suspension or revocation of ~~his or her~~ their commercial fish business license, permit, or entitlement.

SEC. 4. Section 8041 of the Fish and Game Code is amended to read:

8041. (a) The following persons shall pay the landing fee 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 fee 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 fee imposed under this article.

(c) Notwithstanding subdivision (a), a person who purchases, sells, takes, or receives live marine fish for use exclusively as live bait ~~that are not brought ashore~~ as described in subdivision (g) of Section 8030 is exempt from the landing fee imposed under this article.

SEC. 5. Section 8043 of the Fish and Game Code is amended to read:

8043. (a) Every commercial fisherman who sells or delivers fish that ~~he or she~~ has they have taken to any person who is not licensed under Article 7 (commencing with Section 8030), including commercial fishermen who sell, deliver, or transfer live marine fish for use exclusively as live bait that are not brought ashore, and every person who is required to be licensed under Article 7 (commencing with Section 8030) to conduct the activities of a fish receiver, as described in Section 8033, shall ~~make a legible landing receipt record on a form to be furnished by the department. report the landing using an electronic fish ticket as prescribed under regulations adopted by the commission.~~ The landing receipt electronic fish ticket shall be completed at the time of the receipt, purchase, or transfer of fish, whichever occurs first. Unless otherwise

prescribed by regulation, the receipt, purchase, or transfer of fish shall not occur at sea or from vessel to vessel.

(b) The landing receipt electronic fish ticket shall show all of the following:

(1) (A) The accurate weight of the species of fish received, as designated pursuant to Section 8045. Sablefish may be reported in dressed weight, and if so reported, shall have the round weights computed, for purposes of management quotas, by multiplying 1.6 times the reported dressed weight.

(B) For purposes of this paragraph, "accurate weight" means a weight that is determined by a scale that conforms to the standard within the applicable tolerances and other performance requirements as required by the California Code of Regulations or the Business and Professions Code, but for marine fish used as live bait that are not brought ashore, the department may adopt rules and regulations necessary to establish other methods to determine accurate weight.

(2) The name of the fisherman and the fisherman's identification number.

(3) The department registration number of the boat.

(4) The recipient's name and identification number, if applicable.

(5) The date of receipt.

(6) The price paid, except for live marine fish for use exclusively as live bait that are not brought ashore.

(7) The department origin block number where the fish were caught.

(8) The type of gear used.

(9) Any other information the department may prescribe.

(c) ~~The numbered landing receipt forms in each individual landing receipt book shall be completed sequentially. A voided fish landing receipt shall have the word "VOID" plainly and noticeably written on the face of the receipt. A voided fish landing receipt shall be submitted to the department in the same manner as a completed fish landing receipt is submitted to the department. A fish receiver who is no longer conducting business as a licensed receiver shall forward all unused landing receipts and landing receipt books to the department immediately upon terminating his or her business activity.~~

SEC. 6. Section 8043.2 of the Fish and Game Code is amended to read:

8043.2. (a) A commercial fisherman licensed pursuant to Section 8033.5 who sells fish from a vessel directly to the ultimate consumer and who is required pursuant to Section 8043 to ~~make a landing receipt~~ an electronic fish ticket shall ~~make a landing receipt~~ an electronic fish ticket in either of the following ways:

(1) For each individual sale by that fisherman at the time of the sale.

(2) For each day that the fisherman is engaged in one or more sales to the ultimate consumers, the fisherman shall maintain an accurate tally sheet of sales, which shall include complete header and signature box information filled out prior to any sales, and the number of pounds by species of fish sold. The total of the daily sales shall be recorded at the completion of sales for that day ~~on a landing receipt~~ an electronic fish ticket. A copy of the completed tally sheet shall be attached to the corresponding ~~landing receipt~~ electronic fish ticket. The original completed tally sheet shall be attached to the fisherman's copy of the corresponding ~~landing receipt~~ electronic fish ticket, and maintained for a period of four years.

(b) A commercial fisherman licensed pursuant to Section 8033.5 who sells directly to the ultimate consumer, or a commercial fisherman who sells or delivers fish

that the fisherman has taken to any person who is not licensed under Article 7 (commencing with Section 8030) to conduct the activities of a fish receiver, shall not be considered a weighmaster for purposes of Chapter 7 (commencing with Section 12700) of Division 5 of the Business and Professions Code.

(c) A commercial fisherman selling ~~his or her~~ their own catch to the ultimate customer, upon request by an authorized agent or employee of the department, shall immediately make available all fish in possession of the fisherman for inspection and sampling by the agent or employee. Pursuant to Section 8226, the fisherman shall relinquish the head from any sampled salmon with a missing adipose fin.

SEC. 7. Section 8045 of the Fish and Game Code is amended to read:

8045. The names used in the ~~landing receipt~~ electronic fish ticket and transportation receipt made under Sections 8043 and 8047 for designating the species of fish dealt with shall be those in common usage unless otherwise designated by the department.

SEC. 8. Section 8046 of the Fish and Game Code is amended to read:

8046. (a) ~~The original signed copy of the paper landing receipt~~ electronic fish ticket made under Section 8043 ~~or 8043.1 shall be delivered submitted to the department on or before the 16th or last day of the month in which the fish were landed, whichever date occurs first after the landing. Landing receipt records completed and submitted electronically shall be submitted to the department within three business days of the landing, within three business days of the landing unless otherwise specified in regulations. The original signed copy of the paper landing receipt made under Section 8043.1 shall be delivered to the department on or before the 16th or last day of the month in which the fish were landed, whichever date occurs first after the landing. A copy of the electronic fish ticket or landing receipt shall be delivered to the commercial fisherman at the time of the purchase or receipt of the fish. That copy of the electronic fish ticket or landing receipt shall be retained by the commercial fisherman for a period of four years and shall be available for inspection at any time during that period by the department. A copy of the electronic fish ticket or landing receipt shall be kept by the person licensed pursuant to Article 7 (commencing with Section 8030) 8030), or live bait dealer registered with the department, who filled out the electronic fish ticket or landing receipt for a period of four years and shall be available for inspection at any time within that period by the department.~~

(b) On delivery of sardines, anchovies, mackerel, squid, tuna, or bonito intended to be processed or sold as fresh fish, the person licensed pursuant to Article 7 (commencing with Section 8030) who filled out the electronic fish ticket or landing receipt, upon request of the authorized agent described in subdivision (c), shall notify the authorized agent of the unloading and weighing of the fish and shall permit the authorized agent to be present at all times during the weighing of the fish.

(c) A copy of the electronic fish ticket or landing receipt shall be delivered to an agent authorized in writing by the majority of the persons who participated in the taking of the fish, excluding the commercial fisherman receiving the original copy.

(d) For purposes of this section, "business day" means Monday to Friday, inclusive, excluding days designated as state or federal holidays.

SEC. 9. Section 8046.1 of the Fish and Game Code is amended to read:

8046.1. In addition to the requirements of Section 8046, any person landing groundfish subject to federal groundfish regulations adopted pursuant to the Magnuson

Fishery Conservation and Management Act (16 U.S.C. Sec. 1801 et seq.) shall keep a copy of the ~~landing receipt~~ electronic fish ticket on board the fishing vessel throughout, and for 15 days following, each period for which cumulative landings by individual vessels are limited.

SEC. 10. Section 8047 of the Fish and Game Code is amended to read:

8047. (a) (1) A person licensed under Article 7 (commencing with Section 8030) who takes ~~his or her~~ their own fish shall make a legible record in the form of the ~~landing receipt~~ electronic fish ticket as required by ~~Sections~~ Section 8043 ~~and or~~ landing receipt as required by Section 8043.1 at the time the fish are brought ashore. The original signed copy of the ~~landing receipt~~ shall be delivered by the licensee to the department, as provided in Section 8046. A copy of the ~~landing receipt~~ shall be retained by the licensee for a period of four years and shall be available for inspection at any time within that period by the department. A copy of the ~~landing receipt~~ shall be delivered to an agent authorized in writing by the majority of the persons who participated in the taking of the fish, excluding the commercial fisherman receiving the original copy.

(2) A person licensed under Section 8033.5 who sells ~~his or her~~ their fish to a licensed receiver may use a transportation receipt pursuant to subdivision (c) to transport those fish only to that licensed receiver. The receiver shall complete a ~~landing receipt~~ an electronic fish ticket for those fish. A person who sells ~~his or her~~ their fish to the ultimate consumer shall complete ~~a landing receipt~~ an electronic fish ticket pursuant to Sections 8043 and 8043.2. Transportation receipts shall be completed at the time the fish are transferred from the fishing vessel.

(b) Every commercial fisherman who sells fish taken from the waters of this state or brought into this state in fresh condition to persons not licensed to receive fish for commercial purposes pursuant to Article 7 (commencing with Section 8030) shall make a legible record in the form of the ~~landing receipt~~ electronic fish ticket required by ~~Sections~~ Section 8043 ~~and or~~ the landing receipt as required by Section 8043.1. Persons subject to Section 8043 shall remit the landing fee imposed by Section 8041. The person taking, purchasing, or receiving the fish, whether or not licensed under Article 7 (commencing with Section 8030), shall sign the electronic fish ticket or landing receipt. The original signed copy of the ~~landing receipt~~ shall be delivered by the commercial fisherman to the department, as provided in Section 8046. A copy of the ~~landing receipt~~ shall be retained by the commercial fisherman for a period of four years and shall be available for inspection at any time within that period by the department. A copy of the ~~landing receipt~~ shall be retained by the person taking, purchasing, or receiving the fish until they are prepared for consumption or otherwise disposed of. A copy of the ~~landing receipt~~ shall be delivered to an agent authorized in writing by the majority of the persons who participated in the taking of the fish, excluding the commercial fisherman receiving the original copy. With the exception of live marine fish for use exclusively as bait that is not subsequently brought ashore or as otherwise prescribed by regulation, the receipt, purchase, or transfer of fish shall not occur at sea or from vessel to vessel.

(c) (1) Every commercial fisherman or ~~his or her~~ their designee, who transports, causes to be transported, or delivers to another person for transportation, any fish, except herring, taken from the waters of this state or brought into this state in fresh condition, shall fill out a transportation receipt according to the instructions and on

forms provided by the department at the time the fish are brought ashore. Unless otherwise prescribed by regulation, the receipt or transfer of fish shall not occur at sea or from vessel to vessel.

(2) The original signed copy of the transportation receipt shall be delivered by the commercial fisherman to the department on or before the 16th day or the last day of the month in which the fish were landed, whichever date occurs first after landing. A copy of the transportation receipt shall be retained by the commercial fisherman who filled it out for a period of four years and shall be available for inspection at any time within that period by the department. A copy of the transportation receipt shall be given to and retained by the person transporting the fish until the fish are sold fresh, processed, or otherwise disposed of.

(3) The transportation receipt is required only for transit purposes.

(4) A person transporting fish from the point of first landing under a transportation receipt is not required to be licensed to conduct the activities of a fish receiver as described in Section 8033.

(5) The transportation book receipt shall be issued to an individual fisherman and is not transferable.

(d) The transportation receipt shall contain all of the following information:

(1) The name of each species of fish, pursuant to Section 8045.

(2) The date and time of the receipt.

(3) The accurate weight of the species of fish being transported. Sablefish may be reported in dressed weight, and if so reported, shall have the round weights computed, for purposes of management quotas, by multiplying 1.6 times the reported dressed weight.

(4) The name and identification number of the fisherman. The signature of the fisherman authorizing transportation.

(5) The name of the person transporting the fish.

(6) The name of the fish business, the fish business identification number, and the corresponding electronic fish ticket or landing receipt number issued by the fish business to the commercial fisherman.

(7) The department registration number of the vessel and the name of the vessel.

(8) The department origin block number where the fish were caught.

(9) The port of first landing.

(10) Any other information the department may prescribe.

(e) The numbered transportation receipt forms in each individual transportation receipt book shall be completed sequentially. A voided fish transportation receipt shall have the word "VOID" plainly and noticeably written on the face of the receipt. A voided fish transportation receipt shall be submitted to the department in the same manner as a completed fish transportation receipt is submitted to the department. A commercial fisherman who is no longer conducting business as a licensed fisherman shall forward all unused transportation receipts and transportation receipt books to the department immediately upon terminating ~~his or her~~ their business activity.

SEC. 11. Section 8280.3 of the Fish and Game Code is amended to read:

8280.3. (a) For purposes of this section, the term "length overall" means the horizontal distance between the forward-most and after-most points on the hull of a vessel. The length overall of a vessel does not include attachments fixed to the stern and bow.

(b) Notwithstanding Article 9 (commencing with Section 8100) of Chapter 1 and except as provided in this section, a Dungeness crab vessel permit shall not be transferred.

(c) (1) The owner of a vessel to whom a Dungeness crab vessel permit has been issued shall transfer the permit for the use of that vessel upon the sale of the vessel by the permit holder to the person purchasing the vessel, except that the permit shall not be transferred if the vessel is more than five feet longer in length overall, as determined by a licensed marine surveyor, than the baseline length on the permit. Thereafter, upon notice to the department, the person purchasing the vessel may use the vessel for the taking and landing of Dungeness crab for any and all of the unexpired portion of the permit year, and that person is eligible for a permit pursuant to this article for the use of that vessel in subsequent years. The person purchasing the vessel shall not transfer the permit for use of that vessel in the Dungeness crab fishery to another replacement vessel during the same permit year.

(2) A permit described in subdivision (c) of Section 8280.1 shall not be transferred pursuant to this subdivision.

(d) The owner of a vessel to whom the Dungeness crab vessel permit has been issued may transfer the permit to a replacement vessel of equivalent capacity, except as specified in this section. Thereafter, upon notice to the department and payment of the transfer fee specified in Section 8280.6, the replacement vessel may be used for the taking and landing of Dungeness crab for any and all of the unexpired portion of the permit year and that person is eligible for a permit pursuant to this article for the use of that replacement vessel in subsequent years.

(e) (1) The owner of a permitted vessel may transfer the permit to a vessel of greater capacity as follows:

(A) If the person the permit is to be transferred to purchased the vessel of greater capacity on or before November 15, 1995, the vessel of greater capacity may not be more than 10 feet longer in length overall than the baseline length on the permit.

(B) If the person the permit is to be transferred to purchased the vessel of greater capacity after November 15, 1995, the vessel of greater capacity may not be more than five feet longer in length overall than the baseline length on the permit.

(2) A permit described in subdivision (c) of Section 8280.1 shall not be transferred pursuant to this subdivision.

(f) (1) The department may authorize the owner of a permitted vessel to transfer the permit to a replacement vessel that was owned by the person the permit is to be transferred to on or before April 1, 1996, that does not fish with trawl nets that is greater than five feet longer in length overall than the baseline length on the permit, if all of the following conditions are satisfied:

(A) A vessel of a larger size is essential to the proposed permit holder for participation in another fishery other than a trawl net fishery.

(B) The owner of the permitted vessel held a permit on or before January 1, 1995, for the fishery for which a larger vessel is needed and has participated in that fishery.

(C) The permit for the vessel from which the permit is to be transferred qualified pursuant to paragraph (1) of subdivision (b) of Section 8280.1, as that section read on August 1, 2018, or any prior version of that paragraph.

(D) The vessel to which the permit is to be transferred does not exceed 20 feet longer in length overall than the baseline length on the permit and the vessel to which the permit is to be transferred does not exceed 60 feet in length overall.

(E) A permit was not previously transferred to the same replacement vessel.

(2) A permit described in subdivision (c) of Section 8280.1 shall not be transferred pursuant to this subdivision.

(g) A transfer of a permit to a larger vessel shall not be allowed more than one time. If a permit is transferred to a larger vessel, any Dungeness crab vessel permit for that permit year or any subsequent permit years for that larger vessel shall not be transferred to another larger vessel. The department shall not thereafter issue a Dungeness crab vessel permit for the use of the original vessel from which the permit was transferred, except that the original vessel may be used to take or land Dungeness crab after that transfer if its use is authorized pursuant to another Dungeness crab vessel permit subsequently transferred to that vessel pursuant to subdivision (d), (e), or (f).

(h) (1) Upon the written approval of the department, the owner of a vessel to whom the Dungeness crab vessel permit has been issued, which has California Dungeness crab landings made with trap gear documented on department ~~landing receipts~~ electronic fish tickets and which has had California Dungeness crab landings amounting to not less than 5,000 pounds cumulative for the past two Dungeness crab seasons, may temporarily transfer the permit to a replacement vessel for which use in the Dungeness crab fishery is not permitted pursuant to this article that is of equivalent size and capacity of the originally permitted vessel, no greater than 10 feet longer in length overall than the vessel from which the permit is transferred, for a period of not more than six months during the current permit year if the vessel for which the permit was issued is seriously damaged, suffers major mechanical breakdown, or is lost or destroyed, as determined by the department, upon approval of the director. The owner of the vessel shall submit proof that the department may reasonably require to establish the existence of the conditions of this paragraph. Only the permittee at the time of the loss, theft, damage, breakdown, or destruction of the vessel may apply for the transfer of the vessel permit. Proof of loss or destruction shall be documented by submission of a copy of the report filed with the United States Coast Guard or any other law enforcement or fire agency that investigated the loss. In the case of mechanical breakdown, the request shall include an estimate of the costs to repair the vessel from a marine surveyor or boat repair yard. The department shall not issue a permit for a replacement vessel pursuant to this subdivision if the permitted vessel was reported lost, stolen, mechanically broken down, destroyed, or damaged for fraudulent purposes. Upon approval by the director, the owner of a vessel granted a six-month temporary transfer under this section may be granted an additional six-month extension of the temporary transfer.

(2) Notwithstanding subdivision (e) of Section 8280.2, in the event of loss or destruction of a vessel for which a Dungeness crab vessel permit was issued, or serious damage that renders the vessel inoperable, and upon written approval of the department, the owner of the vessel to whom the permit was issued may retain the permit and may transfer the permit to another vessel of equivalent size and capacity of the vessel that was lost or damaged during the period of two years after the loss or damage of the vessel for which the permit was originally issued. The owner of the lost or damaged vessel shall submit proof that the department may reasonably require to establish the

loss or damage of the vessel. Only the permittee at the time of the loss, theft, damage, or destruction of the vessel may apply for the transfer of the vessel permit. Proof of loss or destruction shall be documented by submission of a copy of the report filed with the United States Coast Guard or any other law enforcement or fire agency that investigated the loss. In the case of mechanical breakdown, the request shall include an estimate of the costs to repair the vessel from a marine surveyor or boat repair yard. The department shall not issue a permit for a replacement vessel pursuant to this paragraph if the lost or damaged vessel was reported lost, stolen, destroyed, mechanically broken down, or damaged for fraudulent purposes. The department shall only transfer a permit pursuant to this paragraph if the lost or damaged vessel has a current permit and the owner of the lost or damaged vessel makes assurances in the application that any renewal of the permit that becomes due during the application processing period will be made. If the permit is not permanently transferred to another vessel within two years of the loss or damage, the permit shall become void by operation of law.

(i) Upon written approval of the department, the owner of a vessel to whom the Dungeness crab vessel permit has been issued may retain that permit upon the sale of that permitted vessel for the purpose of transferring the permit to another vessel if the requirements of this section are satisfied, including the payment of transfer fees. If the permit is not transferred to a new vessel within one year of the sale of the permitted vessel, the permit shall become void by operation of law.

(j) Except as provided in subdivision (c) of Section 8280.1, in the event of the death or incapacity of a permitholder, the permit shall be transferred, upon application, to the heirs or assigns, or to the working partner, of the permitholder, together with the transfer of the vessel for which the permit was issued, and the new owner may continue to operate the vessel under the permit, renew the permit, or transfer the permit upon sale of the vessel pursuant to subdivision (b). The estate of the holder of a transferable Dungeness crab vessel permit may renew that permit as provided for in statute if needed to keep it valid. The estate of the decedent may transfer that permit pursuant to these regulations no later than two years from the date of death of the permitholder as listed on the death certificate.

(k) (1) For purposes of this section, the baseline length on a Dungeness crab vessel permit shall be equal to the length overall of the vessel for which the permit was originally issued, as originally documented on the permit, unless updated pursuant to paragraph (2).

(2) (A) If, on or before March 31, 2020, the owner of a vessel to whom a Dungeness crab vessel permit has been issued submits to the department a survey reflecting a current length overall of the vessel that is greater than the length overall described in paragraph (1), the baseline length on the permit shall be equal to that current length overall.

(B) A survey submitted pursuant to subparagraph (A) shall be conducted by a licensed marine surveyor.

(l) This section shall become inoperative on April 1, 2029, and, as of January 1, 2030, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2030, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 12. Section 8285 of the Fish and Game Code is amended to read:

8285. (a) The director may open waters that are otherwise restricted for the commercial take of Dungeness crab or rock crab pursuant to Section 5523 during a time period when the State Department of Public Health authorizes the manufacture, sale, delivery, holding, or offering for sale of eviscerated Dungeness crab or rock crab pursuant to Article 15 (commencing with Section 111224) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, in accordance with the following requirements:

(1) The holder of a Dungeness crab vessel permit or rock crab permit shall submit to electronic monitoring of the vessel as specified in paragraph (3) of subdivision (a) of Section 5523 while engaging in the take of Dungeness crab or rock crab to verify the locations where the Dungeness crab or rock crab is taken.

(2) A person shall not take, possess onboard, or land Dungeness crab or rock crab under an evisceration order on the same trip in which crab are taken, possessed onboard, or landed from waters outside those covered by the evisceration order.

(3) A person who takes Dungeness crab or rock crab is authorized to sell or provide the Dungeness crab or rock crab only to a processor licensed under Article 7 (commencing with Section 8030) of Chapter 1 and approved by the State Department of Public Health pursuant to Article 15 (commencing with Section 111224) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code.

(4) When furnishing ~~a landing receipt~~ an electronic fish ticket pursuant to Section 8043, the processor shall identify on the ~~landing receipt~~ electronic fish ticket that the Dungeness crab or rock crab received were taken from an area under an evisceration order.

(b) When evisceration procedures established pursuant to Article 15 (commencing with Section 111224) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code are no longer in effect, the director shall lift any restrictions imposed pursuant to subdivision (a) in a manner that promotes a fair and orderly fishery.

(c) Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to actions taken pursuant to this section.

SEC. 13. Section 8405.2 of the Fish and Game Code is amended to read:

8405.2. (a) A valid sea cucumber permit may be transferred by the permittee if the permittee has previously held a valid sea cucumber permit for any four permit years and landed at least 100 pounds of sea cucumbers in each of those permit years, as documented by ~~landing receipts~~ electronic fish tickets with the name of the permittee shown on the receipts.

(b) A valid sea cucumber permit that has not been suspended or revoked may be transferred only to a person who has a valid commercial fishing license issued pursuant to Section 7852, that has not been suspended or revoked. A sea cucumber permit shall not be transferred to a person who has had a sea cucumber permit suspended or revoked while the suspension or revocation is in effect.

(c) An application for transfer of a permit shall be in the form of a notarized letter and shall be submitted to the department, with reasonable proof as the department may require to establish the qualifications of the permitholder and the person the permit is to be transferred to, accompanied by payment to the department of a nonrefundable transfer fee of two hundred dollars (\$200). The transfer shall take effect on the date notice of approval of the application is given to the transferee by the department. The

sea cucumber permit shall be valid for the remainder of the permit year and may be renewed in subsequent years.

(d) A sea cucumber trawl permit may be transferred to a qualified person as provided in subdivisions (b) and (c) to take sea cucumbers by diving or by use of trawl nets. A sea cucumber dive permit may be transferred to a qualified person as provided in subdivisions (b) and (c) only to take sea cucumbers by diving. The transferee shall specify the gear type, either trawl or dive, that the transferee intends to use to take sea cucumbers. The gear type of the sea cucumber permit, either trawl or dive, shall not be transferable.

(e) (1) Upon the death of a sea cucumber permit holder, the deceased person's sea cucumber dive or trawl permit may be transferred by ~~his or her~~ their heirs, assignees, or estate to a qualified person as provided in subdivision (b), upon payment of the fee described in subdivision (c), and in accordance with subdivisions (a) and (d). The estate of the decedent may transfer the permit pursuant to this chapter no later than two years from the date of death of the permit holder, as listed on the death certificate.

(2) For purposes of a transfer under this subdivision, the heirs, assignees, or estate shall renew the permit as specified in Section 8405.1 to keep the permit valid until transferred.

SEC. 14. Section 8615 of the Fish and Game Code is amended to read:

8615. (a) (1) Within the first six months of operation pursuant to an experimental permit and after a reasonable and concerted effort to utilize a new type of commercial fishing gear, the permittee may request that the experimental permit be terminated if it is economically infeasible to harvest the target species or if the alternative gear is impractical, inefficient, or ineffective within the fishery or regional area selected. The permittee shall submit copies of ~~all landing receipts~~, electronic fish tickets, a financial statement setting forth the expenses and any revenue generated by the operation of the alternative fishing gear, and a brief summary from any observers, monitors, and employees regarding the operation of the alternative fishing gear to the department. The department shall review the permittee's submitted material.

(2) If the submitted material supports the claim that the new type of commercial fishing gear utilized by the permittee was either inefficient, impractical, or ineffective, or that it was not economically feasible for the permittee to harvest the target species, the department shall terminate the experimental permit and submit its findings to the State Coastal Conservancy. Upon receiving the department's report, the State Coastal Conservancy may terminate the permittee's loan. If the permittee returns the collateral fishing gear to the department, the State Coastal Conservancy shall reimburse the permittee from the loan fund for the principal amount of the loan repaid by the permittee. The department shall take possession of the fishing gear for the State Coastal Conservancy, which may resell the gear as set forth in subdivision (a) of Section 8614.

(3) If the information does not support the claim made by the permittee, the department may still terminate the experimental permit. The State Coastal Conservancy may terminate the remaining balance on the loan if the permittee returns the collateral fishing gear to the department, but the State Coastal Conservancy shall not reimburse the permittee for previous loan payments.

(b) After six months of operation pursuant to an experimental permit, any request to terminate the permit for the reasons set forth in subdivision (a) shall include, in addition to the information required by paragraph (1) of subdivision (a), an explanation

of the changed circumstances or reasons that cause the new type of gear to become inefficient, impractical, or ineffective or economically infeasible to harvest the target species after the initial six-month operating period. The department shall review the request and make its recommendation to the State Coastal Conservancy following the procedures set forth in subdivision (a). If the department terminates the experimental gear permit, the State Coastal Conservancy may terminate the remaining balance on the loan if the permittee returns the collateral fishing gear to the department, but it shall not reimburse the permittee for any loan payments received. The department shall take possession of the alternative fishing gear for the State Coastal Conservancy, which may resell the gear as set forth in subdivision (a) of Section 8614.

Amendment 3

On page 3, in line 18, strike out "SECTION 1." and insert:

SEC. 15.

Amendment 4

On page 3, in line 25, strike out "SEC. 2." and insert:

SEC. 16.

Amendment 5

On page 3, in line 27, after "The" insert:

base

Amendment 6

On page 3, in line 28, strike out "thirty dollars (\$530). Two hundred", strike out lines 29 and 30, on page 4, strike out lines 1 and 2 and insert:

ninety-eight dollars and fifty cents (\$598.50).

Amendment 7

On page 4, strike out lines 3 to 5, inclusive, and insert:

(b) Upon notification from the California Sea Urchin Commission, the department shall charge an additional two hundred dollars (\$200) for a sea urchin permit to be distributed to the California Sea Urchin Commission by the department, less the department's distribution expenses, to be used for the purposes of Section 79056 of the Food and Agricultural Code. The California Sea Urchin Commission shall notify the department of the intent to charge the additional two-hundred-dollar (\$200) fee by December 1 of the preceding license year.

(c) The base fee and additional two-hundred-dollar (\$200) fee for the California Sea Urchin Commission specified in this section are applicable to the 2024 license year and shall be adjusted annually thereafter pursuant to Section 713.

Amendment 8

On page 4, in line 7, strike out “SEC. 3.” and insert:

SEC. 17.

Amendment 9

On page 4, in line 12, strike out “SEC. 4.” and insert:

SEC. 18.

Amendment 10

On page 5, in line 2, strike out “SEC. 5.” and insert:

SEC. 19.

Amendment 11

On page 5, in line 32, strike out “SEC. 6.” and insert:

SEC. 20.

Amendment 12

On page 6, in line 14, strike out “SEC. 7.” and insert:

SEC. 21.

Amendment 13

On page 6, in line 38, strike out “SEC. 8.” and insert:

SEC. 22.

Amendment 14

On page 7, in line 15, strike out “SEC. 9.” and insert:

SEC. 23.

Amendment 15

On page 7, in line 32, strike out "SEC. 10." and insert:

SEC. 24.

Amendment 16

On page 8, in line 9, strike out "SEC. 11." and insert:

SEC. 25.

- 0 -

PROPOSED AMENDMENTS TO SENATE BILL NO. 500

AMENDED IN SENATE APRIL 27, 2023

AMENDED IN SENATE APRIL 17, 2023

AMENDED IN SENATE MARCH 28, 2023

SENATE BILL

No. 500

Introduced by Senator McGuire

February 14, 2023

An act to amend Sections 7857, 8030, 8032.5, 8041, 8043, 8043.2, 8045, 8046, 8046.1, 8047, 8280.3, 8285, 8405.2, 8615, 9055, 15101, 15103, and 15104 of, and to add Sections 9054.5 and 9056 to, the Fish and Game Code, and to amend Section 79132 of the Food and Agricultural Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

SB 500, as amended, McGuire. Fish and wildlife.

(1) *Existing law regulating commercial fishing imposes, or authorizes the imposition of, various license, permit, and registration fees. Existing law requires specified persons to pay commercial fishing fees, referred to as landing fees, and sets forth requirements for the documentation of those landing fees in the form of a landing receipt, as prescribed.*

Existing law requires certain persons to complete or make a landing receipt and requires the landing receipt to include certain information, including the accurate weight of the species of fish received and the price paid. Existing law requires the original signed copy of the paper landing receipt made under that provision to be delivered to the Department of Fish and Wildlife on or before the 16th or last day of the month in which the fish were landed, whichever date occurs first after the landing. Existing law requires landing receipt records



RN2317465

Amendment 1

completed and submitted electronically to be submitted to the department within 3 business days of the landing.

Under existing law, a violation of the Fish and Game Code , or of any rule, regulation, or order made or adopted under the code, is a crime.

This bill would revise various provisions to refer to electronic fish tickets rather than to landing receipts. The bill would, for purposes of the required contents of an electronic fish ticket, define “accurate weight” and delete the requirement to include the price paid for live marine fish for use exclusively as live bait that are not brought ashore. The bill would require electronic fish tickets to be submitted to the department within 3 business days of the landing, as specified. By creating new requirements with respect to electronic fish tickets, the violation of which would be a crime, the bill would constitute a state-mandated local program.

(2) Existing law requires any person who engages in any business for profit involving fish to be licensed, except as provided. Existing law includes among these licensure exceptions 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 specified activity.

This bill would instead provide a licensure exception for a person who purchases, sells, takes, or receives live marine fish for use exclusively as live bait, that is not brought ashore, and who has registered as a live bait dealer with the department. The bill would require a live bait dealer registered with the department to keep a printed hard copy of the landing receipt or electronic fish ticket for a period of 4 years, as specified.

The bill would also prohibit the receipt, purchase, or transfer of fish from occurring at sea or from vessel to vessel, except for certain live marine fish used as bait or as prescribed by regulation. By creating new requirements with respect to the receipt, purchase, or transfer of certain fish, the violation of which would be a crime, the bill would constitute a state-mandated local program.

(1)

(3) Existing law establishes the California Sea Urchin Commission in state government and vests the commission with various power and duties, including establishing an assessment for each pound of sea urchin landed or delivered by divers to handlers in the state. Existing law authorizes the commission to consult and enter into agreements with the Director of Fish and Wildlife, if necessary and appropriate, to assist

in the administration and enforcement of specified provisions of the Food and Agricultural Code related to sea urchins, including, but not limited to, collecting assessments and providing routine information regarding the persons that may be subject to these provisions.

~~This bill would additionally authorize the commission to enter into an agreement with the director regarding the expenses associated with the distribution of \$200 of the total fee for a sea urchin permit.~~

~~(2) Existing~~

~~Existing law provides that sea urchins shall not be taken for commercial purposes except under a valid sea urchin diving permit, subject to regulations adopted by the Fish and Game Commission. Existing law establishes a \$330 fee for the permit. Unless another penalty is expressly provided, existing law makes a violation of the Fish and Game Code, or of any rule, regulation, or order made or adopted under the code, a misdemeanor.~~

~~This bill would require the Fish and Game Commission to adopt regulations related to commercial sea urchin diving permits, and to the vessels used to commercially fish for sea urchin, to better manage the number of permits issued. Because a violation of these regulations would be a crime, this bill would impose a state-mandated local program. The bill would increase update the fee for a sea urchin diving permit by \$200, and would require the department to distribute that amount, less the department's distribution expenses, to the California Sea Urchin Commission for expenditure pursuant to that commission's authority. The bill would authorize the California Sea Urchin Commission to revoke the \$200 portion of the fee before February 1 of each calendar year, to \$598.50 and would require the department, upon notice of the California Sea Urchin Commission, to charge an additional \$200 for a sea urchin permit to be distributed to the California Sea Urchin Commission by the department, as specified. The bill would apply these provisions to the 2024 license year. This bill would additionally authorize the commission to enter into an agreement with the director regarding the expenses associated with the distribution of \$200 of the total fee for a sea urchin permit.~~

~~(3)~~

~~(4) Existing law establishes various requirements with respect to the taking of fish commercially using traps, fishing lines, and other appliances.~~

~~This bill would require the Department of Fish and Wildlife to adopt regulations regarding the marking and color coding of lines used in~~

SB 500

— 4 —

state managed fisheries. By expanding the scope of a crime, this bill would create a state-mandated local program.

(4)

(5) Existing law requires the owner of an aquaculture facility to register certain information with the Department of Fish and Wildlife by March 1 of each year, and requires the department to impose prescribed fees for registration and renewal. Existing law also requires, in addition to the registration and renewal fees, a surcharge fee to be paid at the time of registration by the owner of an aquaculture facility if the gross annual sales of aquaculture products of the facility during the prior calendar year exceed \$25,000. Existing law imposes a penalty for delinquent payment of fees. Existing law, until January 1, 2024, increases those registration, renewal, surcharge, and penalty fees, as prescribed.

This bill would extend the operation of the increased registration, renewal, surcharge, and penalty fees until January 1, 2025.

The

(6) 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.

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

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

- + SECTION 1. Section 7857 of the Fish and Game Code is
- + amended to read:
- + 7857. Unless otherwise specified, the following conditions
- + apply to each commercial fishing license, permit, or other
- + entitlement issued to take, possess aboard a boat, or land fish for
- + commercial purposes and to each commercial boat registration
- + issued by the department, except licenses issued pursuant to Article
- + 7 (commencing with Section 8030):
- + (a) The person to whom a commercial fishing permit or other
- + entitlement is issued shall have a valid commercial fishing license
- + issued pursuant to Section 7852 that is not revoked or suspended.
- + (b) The commission, after notice and opportunity for hearing,
- + may suspend, revoke, or cancel commercial fishing privileges for

Amendment 2

- + a period of time to be determined by the commission for the
- + following reasons:
- + (1) The person was not lawfully entitled to be issued the license,
- + permit, or other entitlement.
- + (2) A violation of this code, the terms of the permit or other
- + entitlement, or the regulations adopted pursuant thereto, by the
- + licensee, permittee, person holding the entitlement, or ~~his or her~~
- + *their* agent, servant, employee, or person acting under the
- + licensee's, permittee's, or entitled person's direction or control.
- + (3) A violation of any federal law relating to the fishery for
- + which the license, permit, or other entitlement was issued by the
- + licensee, permittee, person holding the entitlement, or ~~his or her~~
- + *their* agent, servant, employee, or person acting under the
- + licensee's, permittee's, or entitled person's direction or control.
- + (c) The person to whom the commercial fishing license, permit,
- + or other entitlement is issued shall be present when fish are being
- + taken, possessed aboard a boat, or landed for commercial purposes.
- + This subdivision does not apply to commercial fishing vessel
- + permits or licenses.
- + (d) The commercial fishing license, permit, or other entitlement
- + shall be in the licensee's, permittee's, or entitled person's
- + possession, or immediately available to the licensee, permittee, or
- + entitled person at all times when engaged in any activity for which
- + the commercial fishing license, permit, or entitlement is required.
- + (e) Not more than one individual commercial fishing license,
- + permit, or other entitlement of a single type shall be issued to an
- + individual person and not more than one commercial vessel fishing
- + license, permit, or other entitlement of a single type shall be issued
- + for each vessel.
- + (f) Any landing of fish used to qualify for, or renew, a
- + commercial fishing license, permit, or other entitlement shall be
- + reported on ~~landing receipts~~ *electronic fish tickets* delivered to the
- + department pursuant to Section 8046.
- + (g) In addition to any other requirements in Article 7.5
- + (commencing with Section 8040), the name of the person issued
- + the commercial fishing license, permit, or other entitlement
- + authorizing the taking of the fish shall be included on the ~~landing~~
- + ~~receipt~~ *electronic fish ticket* for that landing.
- + (h) An application for a commercial fishing license, permit, or
- + other entitlement shall be made on a form containing the

+ information the department may require. The commercial fishing
+ license, permit, or other entitlement shall be signed by the holder
+ prior to use.

+ (i) Any person who has had a commercial fishing license, permit,
+ or other entitlement suspended or revoked shall not engage in that
+ fishery, and shall not obtain any other commercial fishing license,
+ permit, or other entitlement that authorizes engaging in that fishery,
+ while the suspension or revocation is in effect.

+ (j) A commercial fishing license, permit, or other entitlement
+ is not transferable unless otherwise expressly specified in this code.

+ (k) Every commercial fishing license, permit, stamp, commercial
+ boat registration, or other entitlement issued pursuant to this part,
+ except commercial fish business licenses issued pursuant to Article
+ 7 (commencing with Section 8030), is valid from April 1 to March
+ 31 of the next following calendar year or, if issued after the
+ beginning of that term, for the remainder of that term.

+ (l) A person who holds a commercial fishing vessel permit or
+ other entitlement authorizing the use of a vessel for commercial
+ fishing shall also hold a valid commercial boat registration for that
+ vessel, issued pursuant to Section 7881, that has not been
+ suspended or revoked.

+ (m) A person who holds a commercial fishing license, permit,
+ registration, or other entitlement, who moves or acquires a new
+ address shall notify the department of the old and new addresses
+ within three months of acquiring the new address.

+ (n) An application to transfer any permit or other entitlement
+ to take fish for commercial purposes shall be deferred if the current
+ holder of the permit or other entitlement is awaiting final resolution
+ of any pending criminal, civil, or administrative action that could
+ affect the status of the permit or other entitlement.

+ *SEC. 2. 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 *exclusively* as live bait, that are not brought ashore,
- + and who ~~does not engage in any activity described in Section 8033,~~
- + ~~8033.1, 8034, 8035, or 8036.~~ *has registered as a live bait dealer*
- + *with the department.*
- + (h) A person who does not purchase or obtain fish, but who acts
- + as an agent for others while negotiating purchases, or sales of fish
- + in return for a fee, commission, or other compensation.
- + SEC. 3. *Section 8032.5 of the Fish and Game Code is amended*
- + *to read:*
- + 8032.5. Unless otherwise specified, all of the following
- + conditions apply to each commercial fish business license, permit,
- + or other entitlement pursuant to this article:
- + (a) An application for a commercial fish business license, permit,
- + or other entitlement shall be made on a form containing information
- + as required by the department. The commercial fish business
- + license shall be signed by the holder before use.
- + (b) Any person who has had a commercial fish business license
- + suspended or revoked shall not engage in that business activity,
- + and shall not receive any other commercial fish business license,
- + permit, or other entitlement that authorizes engaging in that
- + business activity, while the suspension or revocation is in effect.
- + (c) The commission, after notice and opportunity for hearing,
- + may suspend, revoke, or cancel commercial fish business privileges
- + for a period of time to be determined by the commission for any
- + of the following reasons:

- + (1) The person was not lawfully entitled to be issued the license, permit, or other entitlement.
- + (2) Any violation of this code, the regulations adopted pursuant to this code, or the terms of the permit or other entitlement by the licensee, permittee, person holding the entitlement, or ~~his or her~~ *their* agent, servant, employee, or person acting under the licensee's, permittee's, or entitled person's direction or control.
- + (3) Any violation of any federal law relating to the fishery for which the license, permit, or other entitlement was issued by the licensee, permittee, person holding the entitlement, or ~~his or her~~ *their* agent, servant, employee, or person acting under the licensee's, permittee's, or entitled person's direction or control.
- + (d) A commercial fish business license, permit, or other entitlement is not transferable unless otherwise expressly specified in this code.
- + (e) Any person who holds a commercial fish business license, permit, or other entitlement, who moves or acquires a new or additional plant, facility, or other place of business for profit involving fish, shall notify the department of the address within three months of commencing business activities at the address.
- + (f) Each plant, facility, or other place of business in which an activity occurs that is required to be licensed under this article shall have a copy of each required license on display and available for inspection at any time by the department.
- + (g) Any person licensed pursuant to this article shall provide the department, at the time of application, with the business name, business address, and business telephone number for all locations doing business under the authority of the person's commercial fish business license, permit, or entitlement.
- + (h) Any person licensed pursuant to this article who is subject to landing fees, as defined in Section 8041, and who has failed to pay all landing fees and penalties pursuant to Section 8053, shall not be allowed to renew ~~his or her~~ *their* commercial fish business license, permit, or entitlement until payment is made in full to the department.
- + (i) Any person licensed pursuant to this article who is subject to landing fees, as defined in Section 8041, who fails to submit ~~landing receipts~~ *electronic fish tickets* pursuant to Section 8046, may be subject to suspension or revocation of ~~his or her~~ *their* commercial fish business license, permit, or entitlement.

+ SEC. 4. Section 8041 of the Fish and Game Code is amended
+ to read:

+ 8041. (a) The following persons shall pay the landing fee
+ 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
+ fee 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 fee imposed under this article.

+ (c) Notwithstanding subdivision (a), a person who purchases,
+ sells, takes, or receives live marine fish for use *exclusively* as live
+ bait *that are not brought ashore* as described in subdivision (g) of
+ Section 8030 is exempt from the landing fee imposed under this
+ article.

+ SEC. 5. Section 8043 of the Fish and Game Code is amended
+ to read:

+ 8043. (a) Every commercial fisherman who sells or delivers
+ fish that ~~he or she has~~ *they have* taken to any person who is not
+ licensed under Article 7 (commencing with Section 8030),
+ *including commercial fishermen who sell, deliver, or transfer live*
+ *marine fish for use exclusively as live bait that are not brought*
+ *ashore*, and every person who is required to be licensed under
+ Article 7 (commencing with Section 8030) to conduct the activities
+ of a fish receiver, as described in Section 8033, shall ~~make a legible~~
+ ~~landing receipt record on a form to be furnished by the department.~~
+ *report the landing using an electronic fish ticket as prescribed*
+ *under regulations adopted by the commission. The landing receipt*
+ *electronic fish ticket* shall be completed at the time of the receipt,
+ purchase, or transfer of fish, whichever occurs first. *Unless*

- + otherwise prescribed by regulation, the receipt, purchase, or
- + transfer of fish shall not occur at sea or from vessel to vessel.
- + (b) The ~~landing receipt~~ electronic fish ticket shall show all of
- + the following:
- + (1) (A) The accurate weight of the species of fish received, as
- + designated pursuant to Section 8045. Sablefish may be reported
- + in dressed weight, and if so reported, shall have the round weights
- + computed, for purposes of management quotas, by multiplying
- + 1.6 times the reported dressed weight.
- + (B) For purposes of this paragraph, “accurate weight” means
- + a weight that is determined by a scale that conforms to the standard
- + within the applicable tolerances and other performance
- + requirements as required by the California Code of Regulations
- + or the Business and Professions Code, but for marine fish used as
- + live bait that are not brought ashore, the department may adopt
- + rules and regulations necessary to establish other methods to
- + determine accurate weight.
- + (2) The name of the fisherman and the fisherman’s identification
- + number.
- + (3) The department registration number of the boat.
- + (4) The recipient’s name and identification number, if applicable.
- + (5) The date of receipt.
- + (6) The price ~~paid~~: paid, except for live marine fish for use
- + exclusively as live bait that are not brought ashore.
- + (7) The department origin block number where the fish were
- + caught.
- + (8) The type of gear used.
- + (9) Any other information the department may prescribe.
- + (c) ~~The numbered landing receipt forms in each individual~~
- + ~~landing receipt book shall be completed sequentially. A voided~~
- + ~~fish landing receipt shall have the word “VOID” plainly and~~
- + ~~noticeably written on the face of the receipt. A voided fish landing~~
- + ~~receipt shall be submitted to the department in the same manner~~
- + ~~as a completed fish landing receipt is submitted to the department.~~
- + ~~A fish receiver who is no longer conducting business as a licensed~~
- + ~~receiver shall forward all unused landing receipts and landing~~
- + ~~receipt books to the department immediately upon terminating his~~
- + ~~or her business activity.~~
- + SEC. 6. Section 8043.2 of the Fish and Game Code is amended
- + to read:

+ 8043.2. (a) A commercial fisherman licensed pursuant to
 + Section 8033.5 who sells fish from a vessel directly to the ultimate
 + consumer and who is required pursuant to Section 8043 to make
 + ~~a landing receipt~~ *an electronic fish ticket* shall make ~~a landing~~
 + ~~receipt~~ *an electronic fish ticket* in either of the following ways:

+ (1) For each individual sale by that fisherman at the time of the
 + sale.

+ (2) For each day that the fisherman is engaged in one or more
 + sales to the ultimate consumers, the fisherman shall maintain an
 + accurate tally sheet of sales, which shall include complete header
 + and signature box information filled out prior to any sales, and the
 + number of pounds by species of fish sold. The total of the daily
 + sales shall be recorded at the completion of sales for that day on
 + ~~a landing receipt~~ *an electronic fish ticket*. A copy of the completed
 + tally sheet shall be attached to the corresponding ~~landing receipt~~.
 + *electronic fish ticket*. The original completed tally sheet shall be
 + attached to the fisherman's copy of the corresponding ~~landing~~
 + ~~receipt~~ *electronic fish ticket*. and maintained for a period of four
 + years.

+ (b) A commercial fisherman licensed pursuant to Section 8033.5
 + who sells directly to the ultimate consumer, or a commercial
 + fisherman who sells or delivers fish that the fisherman has taken
 + to any person who is not licensed under Article 7 (commencing
 + with Section 8030) to conduct the activities of a fish receiver, shall
 + not be considered a weighmaster for purposes of Chapter 7
 + (commencing with Section 12700) of Division 5 of the Business
 + and Professions Code.

+ (c) A commercial fisherman selling ~~his or her~~ *their* own catch
 + to the ultimate customer, upon request by an authorized agent or
 + employee of the department, shall immediately make available all
 + fish in possession of the fisherman for inspection and sampling by
 + the agent or employee. Pursuant to Section 8226, the fisherman
 + shall relinquish the head from any sampled salmon with a missing
 + adipose fin.

+ SEC. 7. *Section 8045 of the Fish and Game Code is amended*
 + *to read:*

+ 8045. The names used in the ~~landing receipt~~ *electronic fish*
 + *ticket* and transportation receipt made under Sections 8043 and
 + 8047 for designating the species of fish dealt with shall be those
 + in common usage unless otherwise designated by the department.

+ SEC. 8. Section 8046 of the Fish and Game Code is amended
+ to read:

+ 8046. (a) ~~The original signed copy of the paper landing receipt~~
+ ~~electronic fish ticket~~ made under Section 8043 ~~or 8043.1~~ shall be
+ ~~delivered submitted~~ to the department ~~on or before the 16th or last~~
+ ~~day of the month in which the fish were landed, whichever date~~
+ ~~occurs first after the landing. Landing receipt records completed~~
+ ~~and submitted electronically shall be submitted to the department~~
+ ~~within three business days of the landing; within three business~~
+ ~~days of the landing unless otherwise specified in regulations. The~~
+ ~~original signed copy of the paper landing receipt made under~~
+ ~~Section 8043.1 shall be delivered to the department on or before~~
+ ~~the 16th or last day of the month in which the fish were landed,~~
+ ~~whichever date occurs first after the landing. A copy of the~~
+ ~~electronic fish ticket or landing receipt shall be delivered to the~~
+ commercial fisherman at the time of the purchase or receipt of the
+ fish. That copy of the *electronic fish ticket or landing receipt* shall
+ be retained by the commercial fisherman for a period of four years
+ and shall be available for inspection at any time during that period
+ by the department. A copy of the *electronic fish ticket or landing*
+ receipt shall be kept by the person licensed pursuant to Article 7
+ (commencing with Section ~~8030~~) 8030), or live bait dealer
+ registered with the department, who filled out the *electronic fish*
+ *ticket or landing receipt* for a period of four years and shall be
+ available for inspection at any time within that period by the
+ department.

+ (b) On delivery of sardines, anchovies, mackerel, squid, tuna,
+ or bonito intended to be processed or sold as fresh fish, the person
+ licensed pursuant to Article 7 (commencing with Section 8030)
+ who filled out the *electronic fish ticket or landing receipt*, upon
+ request of the authorized agent described in subdivision (c), shall
+ notify the authorized agent of the unloading and weighing of the
+ fish and shall permit the authorized agent to be present at all times
+ during the weighing of the fish.

+ (c) A copy of the *electronic fish ticket or landing receipt* shall
+ be delivered to an agent authorized in writing by the majority of
+ the persons who participated in the taking of the fish, excluding
+ the commercial fisherman receiving the original copy.

+ (d) For purposes of this section, “business day” means Monday
+ to Friday, inclusive, excluding days designated as state or federal
+ holidays.

+ *SEC. 9. Section 8046.1 of the Fish and Game Code is amended*
+ *to read:*

+ 8046.1. In addition to the requirements of Section 8046, any
+ person landing groundfish subject to federal groundfish regulations
+ adopted pursuant to the Magnuson Fishery Conservation and
+ Management Act (16 U.S.C. Sec. 1801 et seq.) shall keep a copy
+ of the ~~landing receipt~~ *electronic fish ticket* on board the fishing
+ vessel throughout, and for 15 days following, each period for which
+ cumulative landings by individual vessels are limited.

+ *SEC. 10. Section 8047 of the Fish and Game Code is amended*
+ *to read:*

+ 8047. (a) (1) A person licensed under Article 7 (commencing
+ with Section 8030) who takes ~~his or her~~ *their* own fish shall make
+ a legible record in the form of the ~~landing receipt~~ *electronic fish*
+ *ticket* as required by ~~Sections~~ *Section 8043* ~~and or~~ *landing receipt*
+ *as required by Section 8043.1* at the time the fish are brought
+ ashore. The original signed copy of the ~~landing receipt~~ shall be
+ delivered by the licensee to the department, as provided in Section
+ 8046. A copy of the ~~landing receipt~~ shall be retained by the licensee
+ for a period of four years and shall be available for inspection at
+ any time within that period by the department. A copy of the
+ ~~landing receipt~~ shall be delivered to an agent authorized in writing
+ by the majority of the persons who participated in the taking of
+ the fish, excluding the commercial fisherman receiving the original
+ copy.

+ (2) A person licensed under Section 8033.5 who sells ~~his or her~~
+ *their* fish to a licensed receiver may use a transportation receipt
+ *pursuant to subdivision (c)* to transport those fish only to that
+ licensed receiver. The receiver shall complete a ~~landing receipt~~ *an*
+ *electronic fish ticket* for those fish. A person who sells ~~his or her~~
+ *their* fish to the ultimate consumer shall complete a ~~landing receipt~~
+ *an electronic fish ticket* pursuant to Sections 8043 and 8043.2.
+ Transportation receipts shall be completed at the time the fish are
+ transferred from the fishing vessel.

+ (b) Every commercial fisherman who sells fish taken from the
+ waters of this state or brought into this state in fresh condition to
+ persons not licensed to receive fish for commercial purposes

- + pursuant to Article 7 (commencing with Section 8030) shall make
 + a legible record in the form of the ~~landing receipt~~ *electronic fish*
 + *ticket* required by ~~Sections~~ Section 8043 ~~and or the landing receipt~~
 + *as required by Section* 8043.1. Persons subject to Section 8043
 + shall remit the landing fee imposed by Section 8041. The person
 + taking, purchasing, or receiving the fish, whether or not licensed
 + under Article 7 (commencing with Section 8030), shall sign the
 + *electronic fish ticket or landing receipt*. The original signed copy
 + ~~of the landing receipt~~ shall be delivered by the commercial
 + fisherman to the department, as provided in Section 8046. A copy
 + ~~of the landing receipt~~ shall be retained by the commercial fisherman
 + for a period of four years and shall be available for inspection at
 + any time within that period by the department. A copy ~~of the~~
 + ~~landing receipt~~ shall be retained by the person taking, purchasing,
 + or receiving the fish until they are prepared for consumption or
 + otherwise disposed of. A copy ~~of the landing receipt~~ shall be
 + delivered to an agent authorized in writing by the majority of the
 + persons who participated in the taking of the fish, excluding the
 + commercial fisherman receiving the original copy. *With the*
 + *exception of live marine fish for use exclusively as bait that is not*
 + *subsequently brought ashore or as otherwise prescribed by*
 + *regulation, the receipt, purchase, or transfer of fish shall not occur*
 + *at sea or from vessel to vessel.*
- + (c) (1) Every commercial fisherman or ~~his or her~~ *their* designee,
 + who transports, causes to be transported, or delivers to another
 + person for transportation, any fish, except herring, taken from the
 + waters of this state or brought into this state in fresh condition,
 + shall fill out a transportation receipt according to the instructions
 + and on forms provided by the department at the time the fish are
 + brought ashore. *Unless otherwise prescribed by regulation, the*
 + *receipt or transfer of fish shall not occur at sea or from vessel to*
 + *vessel.*
- + (2) The original signed copy of the transportation receipt shall
 + be delivered by the commercial fisherman to the department on
 + or before the 16th day or the last day of the month in which the
 + fish were landed, whichever date occurs first after landing. A copy
 + of the transportation receipt shall be retained by the commercial
 + fisherman who filled it out for a period of four years and shall be
 + available for inspection at any time within that period by the
 + department. A copy of the transportation receipt shall be given to

- + and retained by the person transporting the fish until the fish are
- + sold fresh, processed, or otherwise disposed of.
- + (3) The transportation receipt is required only for transit
- + purposes.
- + (4) A person transporting fish from the point of first landing
- + under a transportation receipt is not required to be licensed to
- + conduct the activities of a fish receiver as described in Section
- + 8033.
- + (5) The transportation book receipt shall be issued to an
- + individual fisherman and is not transferable.
- + (d) The transportation receipt shall contain all of the following
- + information:
 - + (1) The name of each species of fish, pursuant to Section 8045.
 - + (2) The date and time of the receipt.
 - + (3) The accurate weight of the species of fish being transported.
 - + Sablefish may be reported in dressed weight, and if so reported,
 - + shall have the round weights computed, for purposes of
 - + management quotas, by multiplying 1.6 times the reported dressed
 - + weight.
 - + (4) The name and identification number of the fisherman. The
 - + signature of the fisherman authorizing transportation.
 - + (5) The name of the person transporting the fish.
 - + (6) The name of the fish business, the fish business identification
 - + number, and the corresponding *electronic fish ticket or landing*
 - + receipt number issued by the fish business to the commercial
 - + fisherman.
 - + (7) The department registration number of the vessel and the
 - + name of the vessel.
 - + (8) The department origin block number where the fish were
 - + caught.
 - + (9) The port of first landing.
 - + (10) Any other information the department may prescribe.
- + (e) The numbered transportation receipt forms in each individual
- + transportation receipt book shall be completed sequentially. A
- + voided fish transportation receipt shall have the word “VOID”
- + plainly and noticeably written on the face of the receipt. A voided
- + fish transportation receipt shall be submitted to the department in
- + the same manner as a completed fish transportation receipt is
- + submitted to the department. A commercial fisherman who is no
- + longer conducting business as a licensed fisherman shall forward

+ all unused transportation receipts and transportation receipt books
+ to the department immediately upon terminating ~~his or her~~ *their*
+ business activity.

+ *SEC. 11. Section 8280.3 of the Fish and Game Code is amended*
+ *to read:*

+ 8280.3. (a) For purposes of this section, the term “length
+ overall” means the horizontal distance between the forward-most
+ and after-most points on the hull of a vessel. The length overall of
+ a vessel does not include attachments fixed to the stern and bow.

+ (b) Notwithstanding Article 9 (commencing with Section 8100)
+ of Chapter 1 and except as provided in this section, a Dungeness
+ crab vessel permit shall not be transferred.

+ (c) (1) The owner of a vessel to whom a Dungeness crab vessel
+ permit has been issued shall transfer the permit for the use of that
+ vessel upon the sale of the vessel by the permitholder to the person
+ purchasing the vessel, except that the permit shall not be transferred
+ if the vessel is more than five feet longer in length overall, as
+ determined by a licensed marine surveyor, than the baseline length
+ on the permit. Thereafter, upon notice to the department, the person
+ purchasing the vessel may use the vessel for the taking and landing
+ of Dungeness crab for any and all of the unexpired portion of the
+ permit year, and that person is eligible for a permit pursuant to
+ this article for the use of that vessel in subsequent years. The person
+ purchasing the vessel shall not transfer the permit for use of that
+ vessel in the Dungeness crab fishery to another replacement vessel
+ during the same permit year.

+ (2) A permit described in subdivision (c) of Section 8280.1 shall
+ not be transferred pursuant to this subdivision.

+ (d) The owner of a vessel to whom the Dungeness crab vessel
+ permit has been issued may transfer the permit to a replacement
+ vessel of equivalent capacity, except as specified in this section.
+ Thereafter, upon notice to the department and payment of the
+ transfer fee specified in Section 8280.6, the replacement vessel
+ may be used for the taking and landing of Dungeness crab for any
+ and all of the unexpired portion of the permit year and that person
+ is eligible for a permit pursuant to this article for the use of that
+ replacement vessel in subsequent years.

+ (e) (1) The owner of a permitted vessel may transfer the permit
+ to a vessel of greater capacity as follows:

- + (A) If the person the permit is to be transferred to purchased
- + the vessel of greater capacity on or before November 15, 1995,
- + the vessel of greater capacity may not be more than 10 feet longer
- + in length overall than the baseline length on the permit.
- + (B) If the person the permit is to be transferred to purchased the
- + vessel of greater capacity after November 15, 1995, the vessel of
- + greater capacity may not be more than five feet longer in length
- + overall than the baseline length on the permit.
- + (2) A permit described in subdivision (c) of Section 8280.1 shall
- + not be transferred pursuant to this subdivision.
- + (f) (1) The department may authorize the owner of a permitted
- + vessel to transfer the permit to a replacement vessel that was owned
- + by the person the permit is to be transferred to on or before April
- + 1, 1996, that does not fish with trawl nets that is greater than five
- + feet longer in length overall than the baseline length on the permit,
- + if all of the following conditions are satisfied:
- + (A) A vessel of a larger size is essential to the proposed
- + permit holder for participation in another fishery other than a trawl
- + net fishery.
- + (B) The owner of the permitted vessel held a permit on or before
- + January 1, 1995, for the fishery for which a larger vessel is needed
- + and has participated in that fishery.
- + (C) The permit for the vessel from which the permit is to be
- + transferred qualified pursuant to paragraph (1) of subdivision (b)
- + of Section 8280.1, as that section read on August 1, 2018, or any
- + prior version of that paragraph.
- + (D) The vessel to which the permit is to be transferred does not
- + exceed 20 feet longer in length overall than the baseline length on
- + the permit and the vessel to which the permit is to be transferred
- + does not exceed 60 feet in length overall.
- + (E) A permit was not previously transferred to the same
- + replacement vessel.
- + (2) A permit described in subdivision (c) of Section 8280.1 shall
- + not be transferred pursuant to this subdivision.
- + (g) A transfer of a permit to a larger vessel shall not be allowed
- + more than one time. If a permit is transferred to a larger vessel,
- + any Dungeness crab vessel permit for that permit year or any
- + subsequent permit years for that larger vessel shall not be
- + transferred to another larger vessel. The department shall not
- + thereafter issue a Dungeness crab vessel permit for the use of the

+ original vessel from which the permit was transferred, except that
 + the original vessel may be used to take or land Dungeness crab
 + after that transfer if its use is authorized pursuant to another
 + Dungeness crab vessel permit subsequently transferred to that
 + vessel pursuant to subdivision (d), (e), or (f).

+ (h) (1) Upon the written approval of the department, the owner
 + of a vessel to whom the Dungeness crab vessel permit has been
 + issued, which has California Dungeness crab landings made with
 + trap gear documented on department ~~landing receipts~~ *electronic*
 + *fish tickets* and which has had California Dungeness crab landings
 + amounting to not less than 5,000 pounds cumulative for the past
 + two Dungeness crab seasons, may temporarily transfer the permit
 + to a replacement vessel for which use in the Dungeness crab fishery
 + is not permitted pursuant to this article that is of equivalent size
 + and capacity of the originally permitted vessel, no greater than 10
 + feet longer in length overall than the vessel from which the permit
 + is transferred, for a period of not more than six months during the
 + current permit year if the vessel for which the permit was issued
 + is seriously damaged, suffers major mechanical breakdown, or is
 + lost or destroyed, as determined by the department, upon approval
 + of the director. The owner of the vessel shall submit proof that the
 + department may reasonably require to establish the existence of
 + the conditions of this paragraph. Only the permittee at the time of
 + the loss, theft, damage, breakdown, or destruction of the vessel
 + may apply for the transfer of the vessel permit. Proof of loss or
 + destruction shall be documented by submission of a copy of the
 + report filed with the United States Coast Guard or any other law
 + enforcement or fire agency that investigated the loss. In the case
 + of mechanical breakdown, the request shall include an estimate of
 + the costs to repair the vessel from a marine surveyor or boat repair
 + yard. The department shall not issue a permit for a replacement
 + vessel pursuant to this subdivision if the permitted vessel was
 + reported lost, stolen, mechanically broken down, destroyed, or
 + damaged for fraudulent purposes. Upon approval by the director,
 + the owner of a vessel granted a six-month temporary transfer under
 + this section may be granted an additional six-month extension of
 + the temporary transfer.

+ (2) Notwithstanding subdivision (e) of Section 8280.2, in the
 + event of loss or destruction of a vessel for which a Dungeness crab
 + vessel permit was issued, or serious damage that renders the vessel

- + inoperable, and upon written approval of the department, the owner
+ of the vessel to whom the permit was issued may retain the permit
+ and may transfer the permit to another vessel of equivalent size
+ and capacity of the vessel that was lost or damaged during the
+ period of two years after the loss or damage of the vessel for which
+ the permit was originally issued. The owner of the lost or damaged
+ vessel shall submit proof that the department may reasonably
+ require to establish the loss or damage of the vessel. Only the
+ permittee at the time of the loss, theft, damage, or destruction of
+ the vessel may apply for the transfer of the vessel permit. Proof
+ of loss or destruction shall be documented by submission of a copy
+ of the report filed with the United States Coast Guard or any other
+ law enforcement or fire agency that investigated the loss. In the
+ case of mechanical breakdown, the request shall include an estimate
+ of the costs to repair the vessel from a marine surveyor or boat
+ repair yard. The department shall not issue a permit for a
+ replacement vessel pursuant to this paragraph if the lost or damaged
+ vessel was reported lost, stolen, destroyed, mechanically broken
+ down, or damaged for fraudulent purposes. The department shall
+ only transfer a permit pursuant to this paragraph if the lost or
+ damaged vessel has a current permit and the owner of the lost or
+ damaged vessel makes assurances in the application that any
+ renewal of the permit that becomes due during the application
+ processing period will be made. If the permit is not permanently
+ transferred to another vessel within two years of the loss or damage,
+ the permit shall become void by operation of law.
- + (i) Upon written approval of the department, the owner of a
+ vessel to whom the Dungeness crab vessel permit has been issued
+ may retain that permit upon the sale of that permitted vessel for
+ the purpose of transferring the permit to another vessel if the
+ requirements of this section are satisfied, including the payment
+ of transfer fees. If the permit is not transferred to a new vessel
+ within one year of the sale of the permitted vessel, the permit shall
+ become void by operation of law.
- + (j) Except as provided in subdivision (c) of Section 8280.1, in
+ the event of the death or incapacity of a permitholder, the permit
+ shall be transferred, upon application, to the heirs or assigns, or to
+ the working partner, of the permitholder, together with the transfer
+ of the vessel for which the permit was issued, and the new owner
+ may continue to operate the vessel under the permit, renew the

- + permit, or transfer the permit upon sale of the vessel pursuant to
- + subdivision (b). The estate of the holder of a transferable
- + Dungeness crab vessel permit may renew that permit as provided
- + for in statute if needed to keep it valid. The estate of the decedent
- + may transfer that permit pursuant to these regulations no later than
- + two years from the date of death of the permitholder as listed on
- + the death certificate.
- + (k) (1) For purposes of this section, the baseline length on a
- + Dungeness crab vessel permit shall be equal to the length overall
- + of the vessel for which the permit was originally issued, as
- + originally documented on the permit, unless updated pursuant to
- + paragraph (2).
- + (2) (A) If, on or before March 31, 2020, the owner of a vessel
- + to whom a Dungeness crab vessel permit has been issued submits
- + to the department a survey reflecting a current length overall of
- + the vessel that is greater than the length overall described in
- + paragraph (1), the baseline length on the permit shall be equal to
- + that current length overall.
- + (B) A survey submitted pursuant to subparagraph (A) shall be
- + conducted by a licensed marine surveyor.
- + (l) This section shall become inoperative on April 1, 2029, and,
- + as of January 1, 2030, is repealed, unless a later enacted statute,
- + that becomes operative on or before January 1, 2030, deletes or
- + extends the dates on which it becomes inoperative and is repealed.
- + *SEC. 12. Section 8285 of the Fish and Game Code is amended*
- + *to read:*
- + 8285. (a) The director may open waters that are otherwise
- + restricted for the commercial take of Dungeness crab or rock crab
- + pursuant to Section 5523 during a time period when the State
- + Department of Public Health authorizes the manufacture, sale,
- + delivery, holding, or offering for sale of eviscerated Dungeness
- + crab or rock crab pursuant to Article 15 (commencing with Section
- + 111224) of Chapter 5 of Part 5 of Division 104 of the Health and
- + Safety Code, in accordance with the following requirements:
- + (1) The holder of a Dungeness crab vessel permit or rock crab
- + permit shall submit to electronic monitoring of the vessel as
- + specified in paragraph (3) of subdivision (a) of Section 5523 while
- + engaging in the take of Dungeness crab or rock crab to verify the
- + locations where the Dungeness crab or rock crab is taken.

+ (2) A person shall not take, possess onboard, or land Dungeness crab or rock crab under an evisceration order on the same trip in which crab are taken, possessed onboard, or landed from waters outside those covered by the evisceration order.

+ (3) A person who takes Dungeness crab or rock crab is authorized to sell or provide the Dungeness crab or rock crab only to a processor licensed under Article 7 (commencing with Section 8030) of Chapter 1 and approved by the State Department of Public Health pursuant to Article 15 (commencing with Section 111224) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code.

+ (4) When furnishing ~~a landing receipt~~ *an electronic fish ticket* pursuant to Section 8043, the processor shall identify on the ~~landing receipt~~ *electronic fish ticket* that the Dungeness crab or rock crab received were taken from an area under an evisceration order.

+ (b) When evisceration procedures established pursuant to Article 15 (commencing with Section 111224) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code are no longer in effect, the director shall lift any restrictions imposed pursuant to subdivision (a) in a manner that promotes a fair and orderly fishery.

+ (c) Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to actions taken pursuant to this section.

+ SEC. 13. *Section 8405.2 of the Fish and Game Code is amended to read:*

+ 8405.2. (a) A valid sea cucumber permit may be transferred by the permittee if the permittee has previously held a valid sea cucumber permit for any four permit years and landed at least 100 pounds of sea cucumbers in each of those permit years, as documented by ~~landing receipts~~ *electronic fish tickets* with the name of the permittee shown on the receipts.

+ (b) A valid sea cucumber permit that has not been suspended or revoked may be transferred only to a person who has a valid commercial fishing license issued pursuant to Section 7852, that has not been suspended or revoked. A sea cucumber permit shall not be transferred to a person who has had a sea cucumber permit suspended or revoked while the suspension or revocation is in effect.

+ (c) An application for transfer of a permit shall be in the form of a notarized letter and shall be submitted to the department, with

+ reasonable proof as the department may require to establish the
+ qualifications of the permitholder and the person the permit is to
+ be transferred to, accompanied by payment to the department of
+ a nonrefundable transfer fee of two hundred dollars (\$200). The
+ transfer shall take effect on the date notice of approval of the
+ application is given to the transferee by the department. The sea
+ cucumber permit shall be valid for the remainder of the permit
+ year and may be renewed in subsequent years.

+ (d) A sea cucumber trawl permit may be transferred to a
+ qualified person as provided in subdivisions (b) and (c) to take sea
+ cucumbers by diving or by use of trawl nets. A sea cucumber dive
+ permit may be transferred to a qualified person as provided in
+ subdivisions (b) and (c) only to take sea cucumbers by diving. The
+ transferee shall specify the gear type, either trawl or dive, that the
+ transferee intends to use to take sea cucumbers. The gear type of
+ the sea cucumber permit, either trawl or dive, shall not be
+ transferable.

+ (e) (1) Upon the death of a sea cucumber permitholder, the
+ deceased person's sea cucumber dive or trawl permit may be
+ transferred by ~~his or her~~ *their* heirs, assignees, or estate to a
+ qualified person as provided in subdivision (b), upon payment of
+ the fee described in subdivision (c), and in accordance with
+ subdivisions (a) and (d). The estate of the decedent may transfer
+ the permit pursuant to this chapter no later than two years from
+ the date of death of the permitholder, as listed on the death
+ certificate.

+ (2) For purposes of a transfer under this subdivision, the heirs,
+ assignees, or estate shall renew the permit as specified in Section
+ 8405.1 to keep the permit valid until transferred.

+ *SEC. 14. Section 8615 of the Fish and Game Code is amended*
+ *to read:*

+ 8615. (a) (1) Within the first six months of operation pursuant
+ to an experimental permit and after a reasonable and concerted
+ effort to utilize a new type of commercial fishing gear, the
+ permittee may request that the experimental permit be terminated
+ if it is economically infeasible to harvest the target species or if
+ the alternative gear is impractical, inefficient, or ineffective within
+ the fishery or regional area selected. The permittee shall submit
+ copies of all ~~landing receipts~~, *electronic fish tickets*, a financial
+ statement setting forth the expenses and any revenue generated by

- + the operation of the alternative fishing gear, and a brief summary
- + from any observers, monitors, and employees regarding the
- + operation of the alternative fishing gear to the department. The
- + department shall review the permittee's submitted material.
- + (2) If the submitted material supports the claim that the new
- + type of commercial fishing gear utilized by the permittee was either
- + inefficient, impractical, or ineffective, or that it was not
- + economically feasible for the permittee to harvest the target species,
- + the department shall terminate the experimental permit and submit
- + its findings to the State Coastal Conservancy. Upon receiving the
- + department's report, the State Coastal Conservancy may terminate
- + the permittee's loan. If the permittee returns the collateral fishing
- + gear to the department, the State Coastal Conservancy shall
- + reimburse the permittee from the loan fund for the principal amount
- + of the loan repaid by the permittee. The department shall take
- + possession of the fishing gear for the State Coastal Conservancy,
- + which may resell the gear as set forth in subdivision (a) of Section
- + 8614.
- + (3) If the information does not support the claim made by the
- + permittee, the department may still terminate the experimental
- + permit. The State Coastal Conservancy may terminate the
- + remaining balance on the loan if the permittee returns the collateral
- + fishing gear to the department, but the State Coastal Conservancy
- + shall not reimburse the permittee for previous loan payments.
- + (b) After six months of operation pursuant to an experimental
- + permit, any request to terminate the permit for the reasons set forth
- + in subdivision (a) shall include, in addition to the information
- + required by paragraph (1) of subdivision (a), an explanation of the
- + changed circumstances or reasons that cause the new type of gear
- + to become inefficient, impractical, or ineffective or economically
- + infeasible to harvest the target species after the initial six-month
- + operating period. The department shall review the request and
- + make its recommendation to the State Coastal Conservancy
- + following the procedures set forth in subdivision (a). If the
- + department terminates the experimental gear permit, the State
- + Coastal Conservancy may terminate the remaining balance on the
- + loan if the permittee returns the collateral fishing gear to the
- + department, but it shall not reimburse the permittee for any loan
- + payments received. The department shall take possession of the

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+ alternative fishing gear for the State Coastal Conservancy, which
+ may resell the gear as set forth in subdivision (a) of Section 8614.

18 ~~SECTION 1.~~

19 *SEC. 15.* Section 9054.5 is added to the Fish and Game Code,
+ to read:

20 9054.5. The commission shall adopt regulations related to
21 commercial sea urchin diving permits, and the vessels used to
22 commercially fish for sea urchin, in order to better manage the
23 number of permits issued.

25 ~~SEC. 2.~~

+ *SEC. 16.* Section 9055 of the Fish and Game Code is amended
26 to read:

27 9055. (a) The *base* fee for a sea urchin permit authorized
28 pursuant to Section 9054 is five hundred thirty dollars (\$530). Two
29 hundred dollars (\$200) of this fee shall be distributed to the
30 California Sea Urchin Commission by the department, less the
1 department's distribution expenses, to be used for the purposes of
2 Section 79056 of the Food and Agricultural Code. *ninety-eight*
+ *dollars and fifty cents (\$598.50).*

Page 4

3 ~~(b) The two-hundred-dollar (\$200) portion of the fee may be~~
4 ~~revoked by the California Sea Urchin Commission before February~~
5 ~~1 of each calendar year.~~

+ *(b) Upon notification from the California Sea Urchin*
+ *Commission, the department shall charge an additional two*
+ *hundred dollars (\$200) for a sea urchin permit to be distributed*
+ *to the California Sea Urchin Commission by the department, less*
+ *the department's distribution expenses, to be used for the purposes*
+ *of Section 79056 of the Food and Agricultural Code. The*
+ *California Sea Urchin Commission shall notify the department of*
+ *the intent to charge the additional two-hundred-dollar (\$200) fee*
+ *by December 1 of the preceding license year.*

+ *(c) The base fee and additional two-hundred-dollar (\$200) fee*
+ *for the California Sea Urchin Commission specified in this section*
+ *are applicable to the 2024 license year and shall be adjusted*
+ *annually thereafter pursuant to Section 713.*

7 ~~SEC. 3.~~

+ *SEC. 17.* Section 9056 is added to the Fish and Game Code,
8 to read:

9 9056. The department shall adopt regulations regarding the
10 marking and color coding of lines used in state managed fisheries.

Amendment 3

Amendment 4

Amendment 5

Amendment 6

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Amendment 8

Page 4 12 ~~SEC. 4.~~
 + 13 *SEC. 18.* Section 15101 of the Fish and Game Code, as
 14 amended by Section 2 of Chapter 307 of the Statutes of 2022, is
 amended to read:
 15 15101. (a) The owner of each aquaculture facility shall register
 16 all of the following information with the department by March 1
 17 of each year:
 18 (1) The owner's name.
 19 (2) The species grown.
 20 (3) The location or locations of each operation or operations.
 21 (b) The department may provide registration forms for this
 22 purpose, may establish a procedure for the review of the
 23 information provided to ensure that the operation will not be
 24 detrimental to native wildlife, and shall impose a registration fee
 25 of eight hundred dollars (\$800) to recover the cost of reviewing
 26 new registrations. For renewing registrations, the department shall
 27 impose a registration fee of five hundred dollars (\$500). It is
 28 unlawful to conduct aquaculture operations or to culture approved
 29 species of aquatic plants and animals unless registered under this
 30 section. The registration fees specified in this section are applicable
 31 to the 2013 registration year and shall be adjusted annually
 32 thereafter pursuant to Section 713.
 33 (c) The annual registration of information required by
 34 subdivision (a) is not a project for purposes of the California
 35 Environmental Quality Act (Division 13 (commencing with Section
 36 21000) of the Public Resources Code).
 37 (d) This section shall remain in effect only until January 1, 2025,
 38 and as of that date is repealed.

Page 5 2 ~~SEC. 5.~~
 + 3 *SEC. 19.* Section 15101 of the Fish and Game Code, as
 4 amended by Section 3 of Chapter 307 of the Statutes of 2022, is
 amended to read:
 5 15101. (a) The owner of each aquaculture facility shall register
 6 all of the following information with the department by March 1
 7 of each year:
 8 (1) The owner's name.
 9 (2) The species grown.
 10 (3) The location or locations of each operation or operations.
 11 (b) The department may provide registration forms for this
 12 purpose, may establish a procedure for the review of the

Amendment 10

Page 5 13 information provided to ensure that the operation will not be
14 detrimental to native wildlife, and shall impose a registration fee
15 of five hundred forty-nine dollars (\$549) to recover the cost of
16 reviewing new registrations. For renewing registrations, the
17 department shall impose a registration fee of two hundred
18 seventy-five dollars (\$275). It is unlawful to conduct aquaculture
19 operations or to culture approved species of aquatic plants and
20 animals unless registered under this section. The registration fees
21 specified in this section are applicable to the 2004 registration year
22 and shall be adjusted annually thereafter pursuant to Section 713.
23 (c) The annual registration of information required by
24 subdivision (a) is not a project for purposes of the California
25 Environmental Quality Act (Division 13 (commencing with Section
26 21000) of the Public Resources Code).
27 (d) This section shall become operative on January 1, 2025, at
28 which time the registration fees specified in this section shall be
29 adjusted pursuant to subdivision (b) as if this section had not been
30 inoperative.
32 ~~SEC. 6.~~
+ SEC. 20. Section 15103 of the Fish and Game Code, as
33 amended by Section 4 of Chapter 307 of the Statutes of 2022, is
34 amended to read:
35 15103. (a) In addition to the fees specified in Section 15101,
36 a surcharge fee of six hundred dollars (\$600) shall be paid at the
37 time of registration by the owner of an aquaculture facility if the
38 gross annual sales of aquaculture products of the facility during
39 the prior calendar year exceed twenty-five thousand dollars
40 (\$25,000).
Page 6 1 (b) Each owner of a registered aquaculture facility shall maintain
2 sales and production records that shall be made available upon
3 request of the department to assist the department in the
4 administration of this chapter.
5 (c) Any person who fails to pay the surcharge fee required in
6 this section at the time of registration shall be assessed a
7 delinquency penalty pursuant to Section 15104.
8 (d) The surcharge imposed pursuant to this section shall be
9 applicable to the 2013 registration year and shall be adjusted
10 annually thereafter pursuant to Section 713.
11 (e) This section shall remain in effect only until January 1, 2025,
12 and as of that date is repealed.

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Page 6 14 ~~SEC. 7.~~
 + SEC. 21. Section 15103 of the Fish and Game Code, as
 15 amended by Section 5 of Chapter 307 of the Statutes of 2022, is
 16 amended to read:
 17 15103. (a) In addition to the fees specified in Section 15101,
 18 a surcharge fee of four hundred twelve dollars (\$412) shall be paid
 19 at the time of registration by the owner of an aquaculture facility
 20 if the gross annual sales of aquaculture products of the facility
 21 during the prior calendar year exceed twenty-five thousand dollars
 22 (\$25,000).
 23 (b) Each owner of a registered aquaculture facility shall maintain
 24 sales and production records that shall be made available upon
 25 request of the department to assist the department in the
 26 administration of this chapter.
 27 (c) Any person who fails to pay the surcharge fee required in
 28 this section at the time of registration shall be assessed a
 29 delinquency penalty pursuant to Section 15104.
 30 (d) The surcharge imposed pursuant to this section shall be
 31 applicable to the 2004 registration year and shall be adjusted
 32 annually thereafter pursuant to Section 713.
 33 (e) This section shall become operative on January 1, 2025, at
 34 which time the surcharge fee specified in this section shall be
 35 adjusted pursuant to subdivision (d) as if this section had not been
 36 inoperative.
 38 ~~SEC. 8.~~
 + SEC. 22. Section 15104 of the Fish and Game Code, as
 39 amended by Section 6 of Chapter 307 of the Statutes of 2022, is
 40 amended to read:
 Page 7 1 15104. (a) If any person engages in the business of aquaculture,
 2 as regulated under this division, without having paid the registration
 3 fee or surcharge fee within one calendar month of the
 4 commencement of business, or, for renewal of registration, on or
 5 before April 1 of the registration year, the fees are delinquent.
 6 (b) A penalty shall be paid at the time of registration for any
 7 fees that are delinquent in the amount of one hundred fifty dollars
 8 (\$150).
 9 (c) The penalty imposed pursuant to subdivision (b) shall be
 10 applicable to the 2013 registration year, and shall be adjusted
 11 thereafter pursuant to Section 713.

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Page 7 12 (d) This section shall remain in effect only until January 1, 2025,
13 and as of that date is repealed.
15 ~~SEC. 9.~~
+ SEC. 23. Section 15104 of the Fish and Game Code, as
16 amended by Section 7 of Chapter 307 of the Statutes of 2022, is
17 amended to read:
18 15104. (a) If any person engages in the business of aquaculture,
19 as regulated under this division, without having paid the registration
20 fee or surcharge fee within one calendar month of the
21 commencement of business, or, for renewal of registration, on or
22 before April 1 of the registration year, the fees are delinquent.
23 (b) A penalty shall be paid at the time of registration for any
24 fees that are delinquent in the amount of fifty dollars (\$50).
25 (c) The penalty imposed pursuant to subdivision (b) shall be
26 applicable to the 2005 registration year, and shall be adjusted
27 thereafter pursuant to Section 713.
28 (d) This section shall become operative on January 1, 2025, at
29 which time the penalty specified in this section shall be adjusted
30 pursuant to subdivision (c) as if this section had not been
31 inoperative.
32 ~~SEC. 10.~~
+ SEC. 24. Section 79132 of the Food and Agricultural Code is
33 amended to read:
34 79132. (a) The commission may consult and enter into
35 agreements with the Director of Fish and Wildlife, if necessary
36 and appropriate, to assist in the administration and enforcement
37 of this chapter, including, but not limited to, collecting assessments
38 authorized by this chapter and providing routine information
39 regarding the persons that may be subject to this chapter.
Page 8 1 (b) The commission may enter into an agreement with the
2 director regarding the expenses associated with the distribution of
3 two hundred dollars (\$200) of the total fee for a sea urchin permit
4 authorized pursuant to, and described in, Sections 9054.5 and 9055
5 of the Fish and Game Code.
6 (c) If an agreement is established, the commission shall
7 reimburse the Department of Fish and Wildlife for reasonable
8 administrative costs associated with the agreement.
9 ~~SEC. 11.~~
+ SEC. 25. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because

Amendment 14

Amendment 15

Amendment 16

Page 8 11 the only costs that may be incurred by a local agency or school
12 district will be incurred because this act creates a new crime or
13 infraction, eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section 17556 of
15 the Government Code, or changes the definition of a crime within
16 the meaning of Section 6 of Article XIII B of the California
17 Constitution.

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