

**609SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2025-2026 Regular Session**

SB 609 (Laird)  
Version: March 27, 2025  
Hearing Date: April 8, 2025  
Fiscal: Yes  
Urgency: No  
AM

**SUBJECT**

Fish: commercial fishing

**DIGEST**

This bill makes fish business identification numbers, fish business names, commercial fishing license numbers, commercial fisher names, vessel registration identification numbers, and vessel names contained in landing receipts, reports, or other records filed with the California Department of Fish and Wildlife (CDFW) public records. The bill also deletes the requirement that marine aquaria receivers submit an electronic fish ticket for bringing ashore their own live fish.

**EXECUTIVE SUMMARY**

In the past several years, CDFW implemented electronic reporting of landing receipts and other fishing records. According to the author, data entry errors frequently occur and are attributed to the existing confidentiality provisions that prevent CDFW from ensuring proper identifications, which results in CDFW allocating staff time to correcting basic errors. The author states that the bill aligns California with other West Coast states, and notes that the information the bill authorizes to be public is already considered non-confidential by the National Marine Fisheries Service. The bill is author-sponsored. No timely support or opposition was received by the Committee. The bill passed the Senate Committee on Natural Resources and Water on a vote of 7 to 0.

**PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Requires commercial fishers and fish businesses to obtain commercial fishing and fish business licenses, respectively from the California Department of Fish and Wildlife (CDFW). (Fish & Game Code §§ 7850 et seq.; §§ 7880 et seq.; §§ 8030 et seq.)

- 2) Requires the reporting of all fish sales, deliveries, transfers, and landings using an electronic fish ticket, as provided. (Fish & G. Code §§ 8040 et. seq.)
  - a) Information included in the ticket includes commercial fisher name and identification number, vessel name and license number, and the name and identification number of the receiver of the fish. (Fish & G. Code § 8043.)
- 3) Requires a person engaged in certain activities to obtain a marine aquaria collector's permit or receiver's license. (Fish & G. Code § 8033.1; § 8597.)
  - a) Requires the reporting of marine aquaria landing receipts as required by CDFW. (Fish & G. Code § 8043.1.)
- 4) Requires the commercial fishing receipts, reports, or other records reported to CDFW and the information within them is to be held confidential.
  - a) Requires reported commercial fishing data to be compiled or published as summaries, so as not to disclose the individual record or business of any person.
  - b) Authorizes CDFW to release the confidential information to any federal agency responsible for fishery management activities, provided the information is used solely for the purposes of enforcing fishery management provisions and provided the information will otherwise remain confidential.
  - c) Authorizes CDFW to release the confidential information to any appropriate federal, state, or local agency or agencies in other states, for purposes of law enforcement, pursuant to a court order, to a public or private postsecondary institution engaged in research under the terms of a legally binding confidentiality agreement, or under other conditions as the California Fish and Game Commission by regulation may provide. (Fish & G. Code § 8022.)
- 5) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (Cal. const. art. I, § 3(b)(1).)
  - a) Requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (Cal. const. art. I, § 3(b)(1).)
  - b) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)
- 6) Governs the disclosure of information collected and maintained by public agencies pursuant to the California Public Records Act (CPRA). (Gov. Code §§ 7920.000 et seq.)

- a) States that the Legislature, mindful of the individual right to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.)
- b) Defines "public records" as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (Gov. Code § 7920.530.)
- c) Provides that all public records are accessible to the public upon request, unless the record requested is exempt from public disclosure. (Gov. Code § 7922.530(a).)

This bill:

- 1) Makes fish business identification numbers, fish business names, commercial fishing license numbers, commercial fisher names, vessel registration identification numbers, and vessel names contained in landing receipts, reports, or other records filed with the CDFW public records.
  - a) Provides that the information and data relating to catch contained in the landing receipts and records of fishing activities filed with CDFW are to remain confidential and are not public records.
- 2) States that as the Legislature finds and declares that the limitation on the access to public records is needed in order to protect the privacy of potentially sensitive or proprietary data of commercial fishers, owners of commercial fishing vessels, and fish businesses, while also collecting necessary data regarding the extent and variety of species fished, it is necessary that commercial fishing receipts, reports, or other records and the information contained in them to remain confidential.
- 3) Deletes the requirement that marine aquaria receivers submit an electronic fish ticket for bringing ashore their own live fish.
- 4) Makes various other technical and conforming changes.

### COMMENTS

#### 1. Stated need for the bill

The author writes:

The Department of Fish and Wildlife is responsible for ensuring that commercial fishing activity is accurately recorded and reported. However, California's stringent confidentiality laws prevent information about commercial fishers and vessels from being shared with those who do the reporting. This results in frequent data entry

errors as proper identifications cannot be referenced, requiring the Department to allocate staff time to correcting basic errors. Senate Bill 609 updates California's confidentiality laws to align with those in other West Coast states by designating specific information already considered non-confidential by the National Marine Fisheries Service, such as identification numbers and names, to be non-confidential. This will reduce the amount of time that the Department spends correcting errors and will improve the efficiency and accuracy of commercial fishing activity reporting.

## 2. Public records

Under the CPRA, public records are open to inspection by the public at all times during the office hours of the agency, unless they are exempt from disclosure. (Gov. Code § 7922.525.) A public record is defined as any writing containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by any public agency regardless of physical form or characteristics. (Gov. Code § 7920.530.) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public's interest in disclosure outweighs the public's interest in non-disclosure of the information. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652.). Additionally, some records are prohibited from disclosure or are specifically stated to not be public records. (*see e.g.* Gov. Code § 7924.110(a).)

## 3. CDFW and commercial fishers business license information, landing receipts, and reports

According to the Senate Natural Resources and Water Committee, in recent years both the federal government and California have implemented electronic reporting of "landing receipts and other fishing records which were previously reported on paper. [...] Unfortunately, the accuracy of "E-tix" reporting by commercial fishers and fish businesses is compromised by the misidentification of commercial fishers, fish businesses, and vessels. CDFW receives 45,000 – 50,000 landing receipts annually and 50% of the errors identified in these receipts stem from misidentification. CDFW estimates the thousands of errors made take hundreds of hours of staff time to identify and fix (where they can be readily fixed). Due to confidentiality protections, CDFW cannot make this identifying information available to other fishers for the purposes of record keeping, and the accuracy of the state's commercial fishing records is thus compromised."<sup>1</sup>

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<sup>1</sup> Sen. Nat. Res. & Wat. Comm. analysis of SB 609 (2025-26 reg. sess.) as introduced Feb. 20, 2025) at pp. 1-2.

This bill seeks to address this issue by making certain information that is contained in landing receipts, reports, or other records filed with CDFW available to the public as a public record – specifically, fish business identification numbers, fish business names, commercial fishing license numbers, commercial fisher names, vessel registration identification numbers, and vessel names. This bill will expand access to information for the public while simultaneously maintaining the confidentiality of sensitive and proprietary business information that is contained in landing receipts, reports, or other records filed with CDFW and is already confidential under existing law. As noted in the Senate Natural Resources and Water Committee analysis of the bill, this bill will place California more in line with reporting in other West Coast fisheries, as “Oregon, Washington, and certain federal fisheries do not uniformly hold name and license or identification number information confidential.”<sup>2</sup>

**SUPPORT**

None received

**OPPOSITION**

None received

**RELATED LEGISLATION**

Pending Legislation: None known.

Prior Legislation: None known.

**PRIOR VOTES:**

Senate Committee on Natural Resources and Water (7 Ayes, 0 Noes)

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<sup>2</sup> *Id.* at p. 1.