

## Memorandum 2016-17

**Fish and Game Law:  
Technical Revisions and Minor Substantive Improvements: Part 3  
(Draft Tentative Recommendation)**

---

The Commission<sup>1</sup> is presently preparing a complete recodification of the Fish and Game Code.<sup>2</sup>

Most of the benefits of that recodification will not be realized until the work is complete and the new code can be enacted into law. However, as the work proceeds, the Commission has decided to identify minor improvements that could be made immediately to the existing code, without waiting for the recodification to be complete.<sup>3</sup> The Commission has been collecting such improvements in interim recommendations. This allows the benefits of the Commission's work to be effected sooner.

In February 2015, the Commission submitted the first of these interim recommendations to the Legislature.<sup>4</sup> That recommendation was enacted on August 10, 2015.<sup>5</sup>

In October 2015, the Commission approved the second interim recommendations.<sup>6</sup> A bill that would implement that recommendation is presently pending in the Legislature.<sup>7</sup>

Earlier this year, the staff discussed possible content for a third interim recommendation. The prospect looked promising and this memorandum was placed on the agenda, as a vehicle to present a draft tentative recommendation.

---

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website ([www.clrc.ca.gov](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. See Memorandum 2012-41.

3. Minutes (Feb. 2014), p. 13.

4. See *Fish and Game Law: Technical Revisions and Minor Substantive Improvements (Part 1)*.

5. See 2015 Cal. Stat. ch. 154.

6. See *Fish and Game Law: Technical Revisions and Minor Substantive Improvements (Part 2)*.

7. See SB 1473 (Committee on Water, Parks, and Wildlife) (2016).

However, after spending some time working on a possible draft, the staff concluded that the proposed content of the draft was probably not substantial enough for a stand-alone recommendation and bill. Moreover, we ran into unexpected complications that would probably be more efficiently addressed later in the study, once we have more of the recodification work completed.

For those reasons, we decided against preparing a draft tentative recommendation at this time. The work that has been done on that topic will not be wasted. We will hold it for consideration later in the study, when we next decide whether to prepare an interim recommendation.

Respectfully submitted,

Steve Cohen  
Staff Counsel