

Memorandum 2022-23

Fish and Game Law: Cumulative Draft

In this study, the Commission¹ has been directed by the Legislature to consider revision of the Fish and Game Code in order to make technical improvements to that law, without making any significant substantive change to the effect of the law.²

In December 2018 the Commission approved a tentative recommendation that would recodify the existing Fish and Game Code in a proposed new Fish and Wildlife Code.³ After releasing the tentative recommendation, the Commission decided to divide its consideration of public comment on the tentative recommendation into two phases.⁴ Phase One would consist of consideration of comments on revisions to the text of existing law, while Phase Two would address the proposed organizational changes to existing law.

In reviewing the Phase One comments, the Commission has been developing a draft of proposed legislation to make technical improvements to the existing Fish and Game Code.⁵ The Commission's approach to analyzing the Phase One comments has been conservative. In this phase of the study, the Commission is only reviewing public comment made on proposed revisions raised in Commission Notes in the tentative recommendation.

The Commission has been considering these proposed revisions in a series of memoranda that present the revisions in categories defined by the nature of the public comment received on the revision.⁶ The Commission is asked to

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). 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 2012 Cal. Stat. res. ch.108 (ACR 98 (Wagner)).

3. See Memorandum 2018-67 and its First Supplement; Minutes (Dec. 2018), p. 10.

4. See Memorandum 2019-44, pp. 8-10; Minutes (Sept. 2019), p. 4. To date, public comment has been received only from two public agencies, the Fish and Game Commission and the Department of Fish and Wildlife.

5. See Memorandum 2021-11; Minutes (Feb. 2021), p. 5.

6. See, e.g., Memorandum 2022-22.

provisionally approve⁷ for inclusion in a draft recommendation those proposed revisions that were supported without objection, while proposed revisions opposed by one or more commenters have been dropped. In some instances, public comment on a proposed revision requires the staff to work with commenters to clarify whether there is support for a proposed revision.

Once a proposed revision is approved by the Commission and commenters for inclusion in a draft recommendation, the revision is added to a cumulative draft of proposed legislation, and is then presented to the Commission in a recurring “cumulative draft” memorandum. No draft is attached to this memorandum, as no new proposed revision has been added to the cumulative draft presented to the Commission on January 20, 2022.⁸

However, the staff can report that by the conclusion of the upcoming Commission meeting, the staff will have completed its initial presentation of Phase One comment.

Going forward, the memoranda discussing Phase One comments will report on the staff’s efforts to address all remaining unresolved issues.

Respectfully submitted,

Steve Cohen
Staff Counsel

7. Provisional approval is sought to allow time for acceptance from the commenting state agencies of the precise statutory text proposed to implement the supported revision.

8. See Memorandum 2022-8, Exhibit 1.