

CALIFORNIA LAW REVISION COMMISSION

TENTATIVE RECOMMENDATION

Fish and Wildlife Code Part 1 (Divisions 1-4)

April 2017

The purpose of this tentative recommendation is to solicit public comment on the Commission's tentative conclusions. A comment submitted to the Commission will be part of the public record. The Commission will consider the comment at a public meeting when the Commission determines what, if any, recommendation it will make to the Legislature. It is just as important to advise the Commission that you approve the tentative recommendation as it is to advise the Commission that you believe revisions should be made to it.

COMMENTS ON THIS TENTATIVE RECOMMENDATION SHOULD BE RECEIVED BY THE COMMISSION NOT LATER THAN July 18, 2017.

The Commission will often substantially revise a proposal in response to comment it receives. Thus, this tentative recommendation is not necessarily the recommendation the Commission will submit to the Legislature.

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SUMMARY OF TENTATIVE RECOMMENDATION

In 2010, the Secretary of the Resources Agency was directed to convene a committee to develop and submit a “strategic vision” for the Fish and Game Commission and the Department of Fish and Game (now the Department of Fish and Wildlife). The resulting report recommended that the Law Revision Commission be tasked with cleaning up the Fish and Game Code.

In response to that report, Senator Fran Pavley and Assembly Member Jared Huffman (the Chairs of the Senate Natural Resources and Water Committee and the Assembly Water, Parks, and Wildlife Committee at that time) requested that the Commission conduct a comprehensive review and clean-up of the Fish and Game Code, noting “the need for a comprehensive, thorough review and updating of the Fish and Game Code, to identify obsolete, inconsistent or duplicative sections, and to provide support for more readily understood and enforceable fish and wildlife regulations.” Authority to conduct that study was granted by concurrent resolution in 2012.

In order to achieve the greatest degree of improvement to the organization and expression of the Fish and Game Code, the Commission decided to prepare a recommendation that would repeal the existing code and replace it with a new Fish and Wildlife Code. The new code would continue the substance of the former code in a more user-friendly form, without making any significant substantive change to the effect of existing law.

This tentative recommendation presents the first part of the proposed Fish and Wildlife Code. It was prepared pursuant to Resolution Chapter 150 of the Statutes of 2016.

FISH AND WILDLIFE CODE

1 In 2010, the Secretary of the Resources Agency was directed to convene a
2 committee to develop and submit a “strategic vision” for the Fish and Game
3 Commission and the Department of Fish and Game (now the Department of Fish
4 and Wildlife).¹ The resulting report recommended, among other things, that the
5 Law Revision Commission be tasked with cleaning up the Fish and Game Code.²

6 In response to that recommendation, Senator Fran Pavley and Assembly
7 Member Jared Huffman (the Chairs of the Senate Natural Resources and Water
8 Committee and the Assembly Water, Parks, and Wildlife Committee at that time)
9 requested that the Commission conduct a comprehensive review and clean-up of
10 the Fish and Game Code, noting “the need for a comprehensive, thorough review
11 and updating of the Fish and Game Code, to identify obsolete, inconsistent or
12 duplicative sections, and to provide support for more readily understood and
13 enforceable fish and wildlife regulations.”³ In 2012, the Legislature directed the
14 Commission to conduct the requested study:

15 [The] Legislature approves for study by the California Law Revision
16 Commission the new topic listed below:

17 Whether the Fish and Game Code and related statutory law should be revised to
18 improve its organization, clarify its meaning, resolve inconsistencies, eliminate
19 unnecessary or obsolete provisions, standardize terminology, clarify program
20 authority and funding sources, and make other minor improvements, without
21 making any significant substantive change to the effect of the law[.]⁴

22 In order to achieve the greatest degree of improvement to the organization and
23 expression of the Fish and Game Code, the Commission decided to prepare a
24 recommendation that would repeal the existing code and replace it with a new Fish
25 and Wildlife Code. The new code would continue the substance of the former code
26 in a more user-friendly form, without making any significant substantive change to
27 the effect of existing law.

28 This tentative recommendation presents “Part 1” of the proposed Fish and
29 Wildlife Code. It includes the first four divisions of the proposed code:

- 30 Division 1. General Provisions
- 31 Division 2. Administration
- 32 Division 3. Law Enforcement
- 33 Division 4. Inter-Jurisdictional Compacts

1. 2010 Cal. Stat. ch. 424.

2. See *California Fish & Wildlife Strategic Vision, Recommendations for Enhancing the State’s Fish and Wildlife Management Agencies*, A13 (April 2012).

3. See Memorandum 2012-5, pp. 22-23.

4. 2012 Cal. Stat. res. ch. 108 (ACR 98 (Wagner)).

1 The general character and noteworthy features of the tentative recommendation
2 are discussed below.

3 STUDY OBJECTIVES

4 **Improve Accessibility of the Law**

5 The primary purpose of this study is to simplify and improve the organization
6 and expression of the Fish and Game Code, to make it more understandable and
7 useable, without making any significant substantive changes to the effect of that
8 law.

9 The Fish and Game Code needs to be understandable to non-experts. Many
10 laypeople take advantage of the wildlife resources of the state, for recreational or
11 commercial purposes. Those persons need to be able to understand the code in
12 order to comply with the law and avoid criminal liability. Ambiguity and
13 confusion do not promote the public policy goals that the Fish and Game Code
14 was designed to accomplish.

15 In addition, improvement of the clarity and organization of the Fish and Game
16 Code would facilitate the future development of the law, by making it easier for
17 the Legislature to assess the state of existing law and thereby avoid redundancy or
18 inconsistency in enacting new provisions.

19 **Nonsubstantive Reform**

20 The proposed law would improve the organizational clarity of the Fish and
21 Game Code, as intended. However, there is an important limit on the extent to
22 which the Commission can make that law clearer, simpler, or better organized. In
23 authorizing this study, the Legislature specifically prohibited any “significant
24 substantive change to the effect of the law.”⁵

25 That limitation has been the controlling principle in the preparation of the
26 proposed law. The Commission has exercised care to ensure that the proposed law
27 would not result in any significant substantive change in outcome under the
28 affected statutes.

29 Specific measures taken by the Commission to avoid making any significant
30 substantive change in the law are described below.

31 ***Objective and Participatory Study Process***

32 The Commission’s study process is well-suited to the development of a
33 nonsubstantive reform of the Fish and Game Code, for the following reasons:

- 34 • The Commission is neutral and objective, with no special interest in the
35 subject of fish and game. The Commission has no motivation to introduce
36 significant substantive changes into fish and game law.

5. *Id.*

- 1 • The Commission has prior experience in drafting legislation to recodify
2 complex bodies of law without making any significant substantive change.⁶
- 3 • The Commission’s work is transparent. All materials are publicly
4 distributed. All deliberations are conducted at open public meetings.
- 5 • The Commission actively solicits input from affected interest groups.
6 Interim drafts of the proposed law are provided to those groups for review.
7 Any objection that a change would have a substantive effect is carefully
8 analyzed and addressed by the Commission.
- 9 • In proposing legislative reform, the Commission prepares a thorough
10 explanatory report that explains the purpose and effect of the proposed law,
11 and sets out a complete draft of the proposed legislation, with a detailed
12 table of contents and a table showing the disposition of every affected
13 section. This report facilitates public review of the proposed law.

14 *Commission Comments*

15 In preparing a recommendation, the Commission drafts an explanatory
16 “Comment” for every section that is added, amended, or repealed.⁷ A Comment
17 indicates the derivation of a section and often explains its purpose, its relation to
18 other law, and potential issues concerning its meaning or application.

19 For the most part, the Comments in this tentative recommendation state
20 expressly, for each affected section, that the proposed law is not intended to make
21 any change to the substance of the affected provision. In the rare instance that a
22 minor substantive improvement is proposed, it is specifically identified as such.

23 On completion of a final recommendation, the full recommendation, including
24 the proposed legislation and the Comments, will be presented to the Legislature
25 and the Governor. If legislation is introduced to effectuate the proposed law, the
26 full recommendation will be provided to each member of every policy committee
27 that reviews the legislation.

28 Commission materials that have been placed before and considered by the
29 Legislature are considered evidence of legislative intent,⁸ and are entitled to great
30 weight in construing statutes.⁹ The materials are a key interpretive aid for

6. For example, in 2009 the Commission recommended the nonsubstantive recodification of the deadly weapon statutes, an important and sensitive body of law. See *Nonsubstantive Reorganization of Deadly Weapon Statutes*, 38 Cal. L. Revision Comm’n Reports 217 (2009); enacted as 2010 Cal. Stat. ch. 178, 2010 Cal. Stat. ch. 711.

7. The Comments follow each section of the proposed legislation *infra*.

8. See, e.g., *Fair v. Bakhtiari*, 40 Cal. 4th 189, 195, 147 P.3d 653, 657, 51 Cal. Rptr. 3d 871, 875 (2006) (“The Commission’s official comments are deemed to express the Legislature’s intent.”); *People v. Williams*, 16 Cal. 3d 663, 667-68, 547 P.2d 1000, 128 Cal. Rptr. 888 (1976) (“The official comments of the California Law Revision Commission on the various sections of the Evidence Code are declarative of the intent not only of the draft[ers] of the code but also of the legislators who subsequently enacted it.”).

9. See, e.g., *Dep’t of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Bd.*, 40 Cal. 4th 1, 12-13 n.9, 145 P.3d 462, 469 n.9, 50 Cal. Rptr. 3d 585, 593 n.9 (2006) (Commission’s official

1 practitioners as well as courts,¹⁰ and courts may judicially notice and rely on
2 them.¹¹ Courts at all levels of the state¹² and federal¹³ judicial systems use
3 Commission materials to construe statutes enacted on Commission
4 recommendation.¹⁴

5 The Commission's Comments will make clear that, with a small number of
6 specifically identified exceptions, the proposed law should be construed as an
7 entirely nonsubstantive reorganization of the law.

comments are persuasive evidence of Legislature's intent); *Hale v. S. Cal. IPA Med. Group, Inc.*, 86 Cal. App. 4th 919, 927, 103 Cal. Rptr. 2d 773, 778 (2001):

In an effort to discern legislative intent, an appellate court is entitled to take judicial notice of the various legislative materials, including committee reports, underlying the enactment of a statute. (*Kern v. County of Imperial* (1990) 226 Cal.App.3d 391, 400, fn. 8, 276 Cal.Rptr. 524; *Coopers & Lybrand v. Superior Court* (1989) 212 Cal.App.3d 524, 535, fn. 7, 260 Cal. Rptr. 713.) In particular, reports and interpretive opinions of the Law Revision Commission are entitled to great weight. (*Schmidt v. Southern Cal. Rapid Transit Dist.* (1993) 14 Cal.App.4th 23, 30, fn. 10, 17 Cal.Rptr.2d 340.)

10. *Cf.* 7 B. Witkin, Summary of California Law *Constitutional Law* § 123, at 230 (10th ed. 2005) (Commission reports as aid to construction); Gaylord, *An Approach to Statutory Construction*, 5 Sw. U. L. Rev. 349, 384 (1973).

11. See, e.g., *Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.*, 133 Cal. App. 4th 26, 34 Cal. Rptr. 3d 520 (2005) (providing overview of materials that may be judicially noticed in determining legislative intent); *Hale*, 86 Cal. App. 4th at 927; *Barkley v. City of Blue Lake*, 18 Cal. App. 4th 1745, 1751 n.3, 23 Cal. Rptr. 2d 315, 318-19 n.3 (1993).

12. See, e.g., *Sullivan v. Delta Air Lines, Inc.*, 15 Cal. 4th 288, 298, 935 P.2d 781, 63 Cal. Rptr. 2d 74 (1997) (California Supreme Court); *Admin. Mgmt. Services, Inc. v. Fid. & Deposit Co. of Md.*, 129 Cal. App. 3d 484, 488, 181 Cal. Rptr. 141 (1982) (court of appeal); *Rossetto v. Barross*, 90 Cal. App. 4th Supp. 1, 5-6, 110 Cal. Rptr. 2d 255 (2001) (appellate division of superior court).

13. See, e.g., *California v. Green*, 399 U.S. 149, 154 n.3 (1970) (United States Supreme Court); *S. Cal. Bank v. Zimmerman (In re Hilde)*, 120 F.3d 950, 953 (9th Cir. 1997) (federal court of appeals); *Williams v. Townsend*, 283 F. Supp. 580, 582 (C.D. Cal. 1968) (federal district court); *Ford Consumer Fin. Co. v. McDonell (In re McDonell)*, 204 B.R. 976, 978-79 (B.A.P. 9th Cir. 1996) (bankruptcy appellate panel); *In re Garrido*, 43 B.R. 289, 292-93 (Bankr. S.D. Cal. 1984) (bankruptcy court).

14. See, e.g., *Jevne v. Superior Court*, 35 Cal. 4th 935, 947, 111 P.3d 954, 962, 28 Cal. Rptr. 3d 685, 694-95 (2005) (Commission report entitled to substantial weight in construing statute); *Collection Bureau of San Jose v. Rumsey*, 24 Cal. 4th 301, 308 & n.6, 6 P.3d 713, 718 & n.6, 99 Cal. Rptr. 2d 792, 797 & n.6 (2000) (Comments to reenacted statute reiterate the clear understanding and intent of original enactment); *Brian W. v. Superior Court*, 20 Cal. 3d 618, 623, 574 P.2d 788, 791, 143 Cal. Rptr. 717, 720 (1978) (Comments persuasive evidence of Legislature's intent); *Volkswagen Pac., Inc. v. City of Los Angeles*, 7 Cal. 3d 48, 61-63, 496 P.2d 1237, 1247-48, 101 Cal. Rptr. 869, 879-80 (1972) (Comments evidence clear legislative intent of law); *Van Arsdale v. Hollinger*, 68 Cal. 2d 245, 249-50, 437 P.2d 508, 511, 66 Cal. Rptr. 20, 23 (1968) (Comments entitled to substantial weight), *overruled on other grounds*, *Privette v. Superior Court*, 5 Cal. 4th 689, 696, 854 P.2d 721, 21 Cal. Rptr. 2d 72 (1993); *County of Los Angeles v. Superior Court*, 62 Cal. 2d 839, 843-44, 402 P.2d 868, 870-71, 44 Cal. Rptr. 796, 798-99 (1965) (statutes reflect policy recommended by Commission).

1 *Statements of Legislative Intent*

2 The proposed law would be known as the Fish and Wildlife Code of 2019.¹⁵ It
3 would include a number of codified general provisions to expressly state the
4 purpose and effect of the recodification.

5 Proposed Section 10 would make clear that a provision of the proposed law is
6 intended as a restatement and continuation of the provision that it restates, and that
7 any reference to a restated provision is deemed to include a reference to the
8 section that restates it (and vice versa):

9 10. (a) A provision of this code, insofar as it is substantially the same as a
10 previously existing provision relating to the same subject matter, shall be
11 construed as a restatement and continuation thereof, and not as a new enactment.

12 (b) A reference in a statute or regulation to a previously existing provision that
13 is restated and continued in this code shall, unless a contrary intent appears, be
14 deemed a reference to the restatement and continuation.

15 (c) A reference in a statute or regulation to a provision of this code that is
16 substantially the same as a previously existing provision, shall, unless a contrary
17 intent appears, be deemed to include a reference to the previously existing
18 provision.

19 In addition, proposed Sections 15 and 20 would make clear that restatement of a
20 provision is not intended to have any effect, positive or negative, on a judicial
21 interpretation of the restated provision or a judicial holding regarding the
22 provision's constitutionality:

23 15. (a) A judicial decision interpreting a provision of the former Fish and Game
24 Code is relevant in interpreting any provision of this code that restates or
25 continues that provision of the former Fish and Game Code.

26 (b) However, in enacting the Fish and Wildlife Code of 2019, the Legislature
27 has not evaluated the correctness of any judicial decision interpreting a provision
28 of the former Fish and Game Code.

29 (c) The enactment of the Fish and Wildlife Code of 2019 is not intended to, and
30 does not, reflect any assessment of any judicial decision interpreting any
31 provision of the former Fish and Game Code.

32 20. (a) A judicial decision determining the constitutionality of a provision of the
33 former Fish and Game Code is relevant in determining the constitutionality of any
34 provision of this code that restates or continues that provision of the former Fish
35 and Game Code.

36 (b) However, in enacting the Fish and Wildlife Code of 2019, the Legislature
37 has not evaluated the constitutionality of any provision enacted by that act, or the
38 correctness of any judicial decision determining the constitutionality of any
39 provision of the former Fish and Game Code.

40 (c) The enactment of the Fish and Wildlife Code of 2019 is not intended to, and
41 does not, reflect any determination of the constitutionality of any provision
42 enacted by that act.

15. See proposed Section 1(b) *infra*. The title will require adjustment if the proposed legislation is enacted in a different year.

1 Those provisions are particularly important with respect to provisions that were
2 added by initiative or to effectuate an initiative. The Commission’s
3 recommendation to continue those provisions without any significant change
4 should not be construed as acquiescence in any court case construing the
5 continued provisions or an indication that the Commission has assessed the
6 constitutionality of the provisions.

7 ***Legislative Process***

8 After the Commission completes its study process and issues a final
9 recommendation, the proposed law would be scrutinized carefully in the
10 legislative process. This would serve as a final safeguard against any unintended
11 substantive change in the law.

12 **DRAFTING APPROACH**

13 **Structure of Proposed Law**

14 As noted above, this tentative recommendation presents only the first part of a
15 proposed Fish and Wildlife Code. Specifically, it includes the following divisions:

- 16 Division 1. General Provisions
- 17 Division 2. Administration
- 18 Division 3. Law Enforcement
- 19 Division 4. Inter-Jurisdictional Compacts

20 The Commission anticipates that the remainder of the proposed code will be
21 presented in tentative recommendations addressing the take and possession of
22 wildlife (both recreational and commercial), wildlife and habitat protections, and
23 California Tribes.¹⁶

24 The proposed Fish and Wildlife Code would be organized into five levels:
25 divisions, parts, titles, chapters, and articles. This provides as much latitude as
26 possible to group similar provisions together, and then combine similar groupings
27 into a logical hierarchical structure.

28 This approach complies with the Legislature’s directive to improve the
29 organization of the Fish and Game Code.¹⁷ It allows for a more coherent and
30 intuitive organizational structure, which should make it easier for a reader to find
31 relevant provisions within the statute.

16. This tentative recommendation reserves a division for the placement of provisions affecting California Tribes. The content of that division will be determined later in the study, after tribal consultation.

17. ACR 73.

1 **Short, Simple Sections**

2 One common problem in statutory drafting is code sections that are excessively
3 long. Excessively long sections can obscure relevant details of law, especially if a
4 single section addresses several different subjects.

5 A better approach is to divide the law into a larger number of smaller sections,
6 with each section limited to a single subject. Short sections have numerous
7 advantages. They enhance readability and understanding of the law, and make it
8 easier to locate and refer to pertinent material. In contrast to a long section, a short
9 section can be amended without undue technical difficulties and new material can
10 be inserted where logically appropriate, facilitating sound development of the law.
11 The use of short sections is the preferred drafting technique of the California Code
12 Commission,¹⁸ the Legislature,¹⁹ the Legislative Counsel,²⁰ and the Law Revision
13 Commission.²¹

14 For those reasons, the proposed law would divide lengthy sections into shorter
15 and simpler provisions.

Definition of Terms

16 Under existing law, some definitions are scattered throughout the Fish and
17 Game Code. Some terms are used with different definitions in different contexts,
18 or are defined for some uses but not others. This can create uncertainty as to
19 whether any given term is subject to a statutory definition. That may lead to
20 misunderstanding of the law. It may also lead to unintended consequences, if the
21 Legislature uses a defined term without realizing that it would be subject to an
22 already existing definition.

23 The proposed law would group most of the definitions in a separate part near the
24 beginning of the proposed law, in alphabetical order. This approach would make it
25 easier for members of the public, attorneys, judges, and the Legislature to quickly
26 determine whether a term is subject to a statutory definition. It will also make it
27 easier for the Legislature to identify and review cases where a single term has
28 multiple definitions that are similar but not identical, or is defined for some
29 purposes but not for others. That would facilitate future simplification of the law.

30 In some cases, placement of a definition with the other definitions near the front
31 of the code would arguably expand the scope of the definition. In those cases, the
32 Comment indicates that the provision has been “generalized” and a note following
33 the provision specifically asks whether generalization of the definition would

18. California Code Commission, *Drafting Rules and Principles for Use of California Code Commission Draftsmen*, 1947-48 Report, app. G, at 4.

19. Senate & Assembly Joint Rule 8 (May 14, 2009).

20. Legislative Counsel of California, *Legislative Drafting Manual* 26-28 (1975).

21. Commission Staff Memorandum 76-24 (Feb. 17, 1976); First Supplement to Commission Staff Memorandum 85-64 (May 31, 1985).

1 cause any problematic substantive change in the meaning of any provision of
2 existing law. The Commission specifically solicits public input on that issue.

3 There is one definition that is likely to be confusing in some situations. The
4 existing definition of “fish,” which applies to the entire Fish and Game Code,
5 includes animals that are not considered fish biologically (i.e., invertebrates and
6 amphibians).²² It is not clear whether every use of that term is intended to have the
7 defined meaning. Notwithstanding that potential source of confusion, the
8 Commission is not recommending any change to the application of the
9 definition.²³ Making such a change would require a determination of legislative
10 intentions in hundreds of sections, which is not practicable in this study.

11 **Cross-References**

12 The Fish and Game Code contains numerous cross-references. The
13 reorganization of existing law will require that the existing references be updated
14 to reflect the numbering of the new code.

15 This tentative recommendation updates cross-references to provisions that the
16 Commission had reviewed through the end of 2016 (i.e., the content of this
17 tentative recommendation as well as provisions relating to the take or possession
18 of wildlife). Cross-references to the remainder of the code have not been updated
19 in this tentative recommendation. Those references are set out in boldface type for
20 easy recognition. They will be updated later in the study process.

21 To facilitate review of the cross-reference updates made in this tentative
22 recommendation, the Commission has provided two tables, located at the end of
23 the proposed legislation. Those tables show the disposition of each provision of
24 existing law and the derivation of each provision of the proposed law. For
25 convenience, the tables include all of the provisions reviewed through the end of
26 2016, not just the provisions that are included in this tentative recommendation.

27 **MINOR SUBSTANTIVE IMPROVEMENTS**

28 While the Legislature directed the Commission to avoid making any *significant*
29 substantive changes to the effect of the law, this leaves open the possibility of
30 making improvements that would have a de minimis substantive effect. The
31 Commission has done so sparingly. All such proposed changes are noted below, to
32 simplify review.

33 **Preliminary Provisions**

34 In a few instances, the Commission is proposing to add preliminary provisions
35 to clarify the general effect of the Fish and Wildlife Code. Those provisions would

22. See Fish & Game Code § 45.

23. See proposed Section 380 *infra*.

1 have a salutary effect on the clarity of the code, without significantly affecting the
2 substantive effect of the law.²⁴

3 **Definitions**

4 As discussed above, several definitions would be relocated to a part near the
5 beginning of the code.²⁵ As a consequence of that placement, the definitions would
6 apply to the entire code (except where the law or context provides otherwise).²⁶

7 In addition, some new definitions have been added for drafting convenience.²⁷

8 **Broadened Application**

9 Proposed Section 1020 would slightly broaden the application of existing Fish
10 and Game Code Section 203.1.

11 **REQUEST FOR PUBLIC COMMENT**

12 The Commission seeks public comment on its tentative recommendation.
13 Comments supporting the proposed approach are just as important as comments
14 suggesting changes to that approach or expressing other views.

24. See proposed Sections 5, 15, 20, 25 *infra*.

25. See proposed Sections 235, 240, 255, 265, 290, 330, 340, 350, 365, 410, 470, 490, 525, 530, 540, 560, 600, 605, 610, 615, 625, 630, 670, 675, 685, 690, 730, 745, 750, 765, 770, 780, 785 *infra*.

26. See proposed Section 200 *infra*.

27. See proposed Sections 280, 285, 295, 300, 375, 385, 390, 395, 400, 405, 445, 455, 465, 500, 510, 515, 715, 2800 *infra*.

FISH AND WILDLIFE CODE

Note: The document that follows contains a proposed recodification of provisions of the existing Fish and Game Code reasonably described by the indicated topical headings. One or more proposed recodifications, containing all remaining provisions of the existing code, will be distributed at a later time.

Statutory cross-references in this proposed recodification that cannot yet be revised (because the cross-referenced provisions have not yet been recodified) are set out in boldface type, for later attention.

A draft of an official Commission “Comment” follows each proposed code section in the proposed recodification. Such Comments will be included in any final recommendation. The Comments indicate the source of each recodified code section (or provision within the code section) and describe how the recodified code section or provision compares with prior law. Courts have routinely held that the Commission’s Comments are evidence of legislative intent with regard to any legislation that implements a Commission recommendation. For guidance on the terminology used in Commission Comments, see the Comment following proposed Section 20.

There is a “disposition table” at the end of the proposed recodification. It summarizes, in tabular form, the disposition of every provision of the existing code that has been included in this proposed recodification. If an existing provision would be repealed as unnecessary, the table identifies that provision as “omitted.”

Some code sections in the proposed recodification are followed by a Commission “Note.” Commission Notes are intended to be temporary, and will not be part of the Commission’s final recommendation. **The Notes are intended to flag issues requesting special attention and comment from stakeholders and the general public.**

However, the Commission welcomes public comment on *any* issue relating to the content of the recodification. In addition to comment on the matters raised in Commission Notes, the Commission is particularly interested in comments addressing any of the following matters:

- (1) Any inconsistency, obsolescence, ambiguity, or problems relating to program authority and funding, whether revealed *within* a provision of this proposed recodification, or *between* a provision of this recodification and any other provision of law.
- (2) Provisions that should have been included in this proposed recodification but were not, or provisions included in this recodification that should be located in a proposed recodification of the existing code to follow.
- (3) Technical drafting errors.

Comments should be directed to Brian Hebert at bhebert@clrc.ca.gov.

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DIVISION 1. GENERAL PROVISIONS

PART 1. PRELIMINARY PROVISIONS

§ 1. Code title

1. (a) This code shall be known as the Fish and Wildlife Code.

(b) The act that added this code shall be known and may be cited as the “Fish and Wildlife Code of 2019.”

Comment. Subdivision (a) of Section 1 is comparable to former Fish and Game Code Section 1.

Subdivision (b) is new. It provides a convenient means of referring to the recodification of the former Fish and Game Code.

§ 5. Application of part

5. Unless the provision or context otherwise requires, the provisions of this part govern the construction of this code.

Comment. Section 5 is new. It is a common general provision in the codes. See, e.g., Prob. Code § 6.

§ 10. Restatement and continuation

10. (a) A provision of this code, insofar as it is substantially the same as a previously existing provision relating to the same subject matter, shall be construed as a restatement and continuation thereof, and not as a new enactment.

(b) A reference in a statute or regulation to a previously existing provision that is restated and continued in this code shall, unless a contrary intent appears, be deemed a reference to the restatement and continuation.

(c) A reference in a statute or regulation to a provision of this code that is substantially the same as a previously existing provision, shall, unless a contrary intent appears, be deemed to include a reference to the previously existing provision.

Comment. Subdivision (a) of Section 10 continues the first sentence of former Fish and Game Code Section 3 without substantive change.

Subdivision (b) is drawn from Government Code Section 9604.

Subdivision (c) is drawn from Family Code Section 2.

A number of terms and phrases are used in the Comments to the sections of the Fish and Wildlife Code to indicate the sources of the sections, and to describe how they compare with prior law. The following discussion is intended to provide guidance in interpreting the terminology most commonly used in the Comments.

(1) *Continues without change.* A new provision “continues” a former provision “without change” if the two provisions are identical or nearly so. In some cases, there may be insignificant technical differences, such as where punctuation is changed without a change in meaning. Some Comments may describe the relationship by simply stating that the Fish and Wildlife Code provision “continues” or is “the same as” a former provision, or is “the same as” a provision of a uniform act.

1 (2) *Continues without substantive change.* A new provision “continues” a former provision
2 “without substantive change” if the substantive law remains the same but the language differs to
3 an insignificant degree.

4 (3) *Restates without substantive change.* A new provision “restates” a former provision
5 “without substantive change” if the substantive law remains the same but the language differs to a
6 significant degree. Some Comments may describe the new provision as being the “same in
7 substance.”

8 (4) *Exceptions, additions, omissions.* If part of a former provision is “continued” or “restated,”
9 the Comment may say that the former provision is continued or restated but also note the specific
10 differences as “exceptions to,” “additions to,” or “omissions from” the former provision.

11 (5) *Generalizes, broadens, restates in general terms.* A new provision may be described as
12 “generalizing,” “broadening,” or “restating in general terms” a provision of prior law. This
13 description means that a limited rule has been expanded to cover a broader class of cases.

14 (6) *Supersedes, replaces.* A provision “supersedes” or “replaces” a former provision if the new
15 provision deals with the same subject as the former provision but treats it in a significantly
16 different manner.

17 (7) *New.* A provision is described as “new” when it has no direct source in prior statutes.

18 (8) *Drawn from, similar to, consistent with.* A variety of terms are used to indicate a source for
19 a new provision, typically a source other than California statutes. For example, a provision may
20 be “drawn from” a uniform act, model code, or the statutes of another state. In these cases, it may
21 be useful to consult any available commentary or interpretation of the source from which the new
22 provision is drawn for background information.

23 (9) *Codifies.* A Comment may state that a new provision “codifies” a case-law rule that has not
24 previously been enacted into statutory law.

25 (10) *Makes clear, clarifies.* A new provision may be described as “making clear” a particular
26 rule or “clarifying” a rule as a way of emphasizing the rule, particularly if the situation under
27 prior law was doubtful or contradictory.

28 (11) *Statement in Comment that section is “comparable” to another section.* A Comment may
29 state that a provision is “comparable” to another provision. If the Comment to a section notes that
30 another section is “comparable,” that does not mean that the other section is the same or
31 substantially the same. The statement is included in the Comment so that the statute user is
32 alerted to the other section and can review the cases under that section for possible use in
33 interpreting the section containing the statement in the Comment.

34 § 15. Judicial decisions

35 15. (a) A judicial decision interpreting a provision of the former Fish and Game
36 Code is relevant in interpreting any provision of this code that restates or
37 continues that provision of the former Fish and Game Code.

38 (b) However, in enacting the Fish and Wildlife Code of 2019, the Legislature
39 has not evaluated the correctness of any judicial decision interpreting a provision
40 of the former Fish and Game Code.

41 (c) The enactment of the Fish and Wildlife Code of 2019 is not intended to, and
42 does not, reflect any assessment of any judicial decision interpreting any provision
43 of the former Fish and Game Code.

44 **Comment.** Section 15 is new. Subdivision (a) makes clear that case law construing a
45 predecessor provision of the former Fish and Game Code is relevant in construing its successor
46 provision or provisions in the Fish and Wildlife Code.

47 Subdivisions (b) and (c) make clear that in enacting the Fish and Wildlife Code of 2019, the
48 Legislature has not taken any position on any judicial opinion interpreting any provision of the
49 former Fish and Game Code.

1 **§ 20. Constitutionality of provisions**

2 20. (a) A judicial decision determining the constitutionality of a provision of the
3 former Fish and Game Code is relevant in determining the constitutionality of any
4 provision of this code that restates or continues that provision of the former Fish
5 and Game Code.

6 (b) However, in enacting the Fish and Wildlife Code of 2019, the Legislature
7 has not evaluated the constitutionality of any provision enacted by that act, or the
8 correctness of any judicial decision determining the constitutionality of any
9 provision of the former Fish and Game Code.

10 (c) The enactment of the Fish and Wildlife Code of 2019 is not intended to, and
11 does not, reflect any determination of the constitutionality of any provision
12 enacted by that act.

13 **Comment.** Section 20 is new. Subdivision (a) makes clear that case law determining the
14 constitutionality of a predecessor provision of the former Fish and Game Code is relevant in
15 determining the constitutionality of its successor provision or provisions in the Fish and Wildlife
16 Code of 2019.

17 Subdivisions (b) and (c) make clear that in enacting the Fish and Wildlife Code of 2019, the
18 Legislature has not taken any position on the constitutionality of any provision of that act, or of
19 any provision of the former Fish and Game Code.

20 **§ 25. Transitional provision**

21 25. (a) As used in this section:

22 (1) “New law” means either of the following, as the case may be:

23 (A) The act that enacted this code.

24 (B) The act that makes a change in this code, whether effectuated by
25 amendment, addition, or repeal of a provision of this code.

26 (2) “Old law” means the applicable law in effect before the operative date of the
27 new law.

28 (3) “Operative date” means the operative date of the new law.

29 (b) This section governs the application of the new law except to the extent
30 otherwise expressly provided in the new law.

31 (c) Subject to the limitations provided in this section, the new law applies on the
32 operative date to all matters governed by the new law, regardless of whether an
33 event occurred or circumstance existed before, on, or after the operative date,
34 including, but not limited to, commencement of a proceeding, making of an order,
35 or taking of an action.

36 (d) If a document or paper is filed before the operative date, the contents,
37 execution, and notice thereof are governed by the old law and not by the new law,
38 but subsequent proceedings taken after the operative date concerning the
39 document or paper, including an objection or response, a hearing, an order, or
40 other matter relating thereto is governed by the new law and not by the old law.

41 (e) If an order is made before the operative date, or an action on an order is
42 taken before the operative date, the validity of the order or action is governed by
43 the old law and not by the new law. Nothing in this subdivision precludes

1 proceedings after the operative date to modify an order made, or alter a course of
2 action commenced, before the operative date, to the extent proceedings for
3 modification of an order or alteration of a course of action of that type are
4 otherwise provided in the new law.

5 (f) No person is liable for an action taken before the operative date that was
6 proper at the time the action was taken, even though the action would be improper
7 if taken on or after the operative date, and the person has no duty, as a result of the
8 enactment of the new law, to take any step to alter the course of action or its
9 consequences.

10 (g) If the new law does not apply to a matter that occurred before the operative
11 date, the old law continues to govern the matter notwithstanding its repeal or
12 amendment by the new law.

13 (h) If a party shows, and the court determines, that application of a particular
14 provision of the new law or of the old law in the manner required by this section
15 or by the new law would substantially interfere with the effective conduct of the
16 proceedings or the rights of the parties or other interested persons in connection
17 with an event that occurred or circumstance that existed before the operative date,
18 the court may, notwithstanding this section or the new law, apply either the new
19 law or the old law to the extent reasonably necessary to mitigate the substantial
20 interference.

21 **Comment.** Section 25 replaces the second sentence of former Fish and Game Code Section 3.

22 Section 25 is similar to Family Code Section 4 and Probate Code Section 3. It provides general
23 transitional rules applicable to the Fish and Wildlife Code. This section applies both to the act
24 that enacted the Fish and Wildlife Code and to any later act that changes the code, whether the
25 change is effectuated by amendment, addition, or repeal of a provision of the code.

26 The rules stated in this section are general provisions that apply absent a special rule stated in a
27 new law. Special rules may defer or accelerate application of a new law despite the general rules
28 stated in this section. See subdivision (b).

29 The general rule prescribed in subdivision (c) is that a new law applies immediately on its
30 operative date to all matters, including pending proceedings. The general rule is qualified by the
31 exceptions listed in subdivision (d) (contents, execution, and notice of papers and documents are
32 governed by the law applicable when the paper or document is filed), subdivision (e) (orders are
33 governed by the law applicable when the order is made, subject to any applicable modification
34 procedures), and subdivision (f) (acts are governed by the law applicable when the act is done).

35 Where a new law fails to address a matter that occurred before its operative date, subdivision
36 (g) makes clear that old law continues to govern the matter.

37 Because it is impractical to attempt to deal with all the possible transitional problems that may
38 arise in the application of a new law to various circumstances, subdivision (h) provides a safety
39 valve that permits the court to vary the application of the new law where there would otherwise
40 be a substantial impairment of procedure or justice. This provision is intended to apply only in the
41 extreme and unusual case, and is not intended to excuse compliance with the basic transitional
42 provisions simply because of minor inconveniences or minor impacts on expectations or other
43 interests.

44 In addition to governing other substantive provisions, Section 25 also governs itself. It
45 therefore becomes operative on the date the Fish and Wildlife Code becomes operative and
46 applies to provisions enacted and operative before, on, or after that date.

1 **§ 30. Effect of headings**

2 30. Division, part, title, chapter, article, and section headings do not in any
3 manner affect the scope, meaning, or intent of the provisions of this code.

4 **Comment.** Section 30 continues former Fish and Game Code Section 4 without substantive
5 change.

6 **§ 35. Reference to specified part of code**

7 35. Unless otherwise expressly stated:

8 (a) “Division” means a division of this code.

9 (b) “Part” means a part of the division in which that term occurs.

10 (c) “Title” means a title of the part in which that term occurs.

11 (d) “Chapter” means a chapter of the division, part, or title, as the case may be,
12 in which that term occurs.

13 (e) “Article” means an article of the chapter in which that term occurs.

14 (f) “Section” means a section of this code.

15 (g) “Subdivision” means a subdivision of the section in which that term occurs.

16 (h) “Paragraph” means a paragraph of the subdivision in which that term occurs.

17 (i) “Subparagraph” means a subparagraph of the paragraph in which that term
18 occurs.

19 **Comment.** Subdivisions (f) and (g) of Section 35 restate former Fish and Game Code Section
20 73 without substantive change. The other provisions of Section 35 are new. They are similar to
21 Probate Code Section 8, except that references to “title” have been added.

22 **§ 40. Reference to statute includes amendments and additions**

23 40. Whenever reference is made to any portion of this code or of any other law
24 of this state, the reference applies to all amendments and additions heretofore or
25 hereafter made.

26 **Comment.** Section 40 continues former Fish and Game Code Section 5 without substantive
27 change.

28 **§ 45. Delegation**

29 45. Whenever a power is granted to, or duty is imposed upon, a public officer,
30 the power may be exercised or the duty may be performed by a deputy of the
31 officer, or by a person authorized, pursuant to law, by the officer, unless this code
32 expressly provides otherwise.

33 **Comment.** Section 45 continues former Fish and Game Code Section 6 without change.

34 **§ 50. Use of English in statements and reports**

35 50. Whenever a statement or report is required to be made, it shall be made in
36 the English language. Nothing in this section shall prohibit the department from
37 providing an unofficial translation of a statement or report in a language other than
38 English.

39 **Comment.** The first sentence of Section 50 continues former Fish and Game Code Section 7
40 without change.

1 The second sentence is drawn from Code of Civil Procedure Section 185. It authorizes, but
2 does not require, unofficial translation of statements and reports into languages other than
3 English.

4 See also Gov't Code §§ 7290-7299.8 (Dymally-Alatorre Bilingual Services Act).

5 **§ 55. Tenses**

6 55. The present tense includes the past and future tenses, and the future, the
7 present.

8 **Comment.** Section 55 continues former Fish and Game Code Section 8 without change.

9 **§ 60. Gender**

10 60. The masculine gender includes the feminine and the neuter.

11 **Comment.** Section 60 continues former Fish and Game Code Section 9 without change.

12 **§ 65. Number**

13 65. The singular number includes the plural, and the plural, the singular.

14 **Comment.** Section 65 continues former Fish and Game Code Section 10 without change.

15 **§ 70. Days**

16 70. Whenever in this code the doing of an act between certain dates or from one
17 date to another is allowed or prohibited, the period of time thereby indicated
18 includes both dates specified. The first date specified designates the first day of the
19 period, and the second day specified designates the last day of the period. No
20 period of time specified in this code exceeds one year unless otherwise expressly
21 provided.

22 **Comment.** Section 70 continues former Fish and Game Code Section 11 without change.

23 **§ 75. Mailed notice**

24 75. Unless otherwise specified by statute, any notice or other written
25 communication required to be sent to any person by this code or regulations
26 adopted pursuant to this code is sufficient notice, if sent by first-class mail to the
27 last address furnished to the department by that person.

28 **Comment.** Section 75 continues former Fish and Game Code Section 13 without substantive
29 change.

30 **§ 80. “Shall” and “may”**

31 80. “Shall” is mandatory and “may” is permissive.

32 **Comment.** Section 80 continues former Fish and Game Code Section 79 without change.

33 **§ 85. Order, rule, and regulation**

34 85. “Order,” “rule,” and “regulation” are used interchangeably and each includes
35 the others.

36 **Comment.** Section 85 continues former Fish and Game Code Section 64 without change.

1 **§ 90. Possession of animal taken out of state**

2 90. A provision of this code relating to the possession of birds, mammals, fish,
3 reptiles, or amphibians applies to birds, mammals, fish, reptiles, or amphibians
4 taken either in or outside of this state.

5 **Comment.** Section 90 continues former Fish and Game Code Section 2013 without substantive
6 change.

7 **§ 95. Animal parts**

8 95. A provision of this code that applies to a whole animal also applies to a part
9 of the animal.

10 **Comment.** Section 95 continues former Fish and Game Code Section 80 without substantive
11 change.

12 **PART 2. DEFINITIONS**

13 **§ 200. Application of definitions**

14 200. Unless a provision or the context otherwise requires, the definitions in this
15 part govern the construction of this code and all regulations adopted pursuant to
16 this code.

17 **Comment.** Section 200 continues former Fish and Game Code Section 2 without substantive
18 change.

19 **§ 205. “Adaptive management”**

20 205. “Adaptive management,” unless otherwise specified in this code, means
21 management that improves the management of biological resources over time by
22 using new information gathered through monitoring, evaluation, and other credible
23 sources as they become available, and adjusts management strategies and practices
24 to assist in meeting conservation and management goals. Under adaptive
25 management, program actions are viewed as tools for learning to inform future
26 actions.

27 **Comment.** Section 205 continues former Fish and Game Code Section 13.5 without change.

28 **Note.** The existing Fish and Game Code contains a second definition of the term “adaptive
29 management” in existing Section 90.1, solely governing construction of “Chapter 7 (commencing
30 with Section 1700) of Division 2 and Division 6 (commencing with Section 5500) and all
31 regulations adopted pursuant to those provisions.” See existing Fish and Game Code Section 90.

32 However, the term “adaptive management” no longer appears to be used in any of those
33 referenced code sections, nor has the Commission been able to find the term used in any
34 regulation adopted pursuant to the referenced provisions.

35 **The Commission invites comment on whether it would be problematic to discontinue the
36 special definition of the term “adaptive management” in existing Section 90.1.**

37 **§ 210. “Affix”**

38 210. “Affix” means physically attach to, or imprint on, an electronic validation
39 to a license document.

1 **Comment.** Section 210 continues former Fish and Game Code Section 16 without substantive
2 change.

3 **§ 215. “Anadromous fish”**

4 215. “Anadromous fish” means fish that spawn in fresh water and spend a
5 portion of their lives in the ocean.

6 **Comment.** Section 215 continues former Fish and Game Code Section 14 without substantive
7 change.

8 **§ 220. “Angling”**

9 220. “Angling” means the taking of, or attempting to take, fish by hook and line
10 with the line held in the hand, or by hook and line with the line attached to a pole
11 or rod that is closely attended or held in the hand in a manner that the fish
12 voluntarily takes the bait or lure in its mouth.

13 **Comment.** Section 220 continues former Fish and Game Code Section 15 without substantive
14 change.

15 **§ 225. “Aquaculture”**

16 225. (a) “Aquaculture” means that form of agriculture devoted to the
17 propagation, cultivation, maintenance, and harvesting of aquatic plants and
18 animals in marine, brackish, and fresh water.

19 (b) “Aquaculture” does not include species of ornamental marine or freshwater
20 plants and animals not utilized for human consumption or bait purposes that are
21 maintained in closed systems for personal, pet industry, or hobby purposes,
22 however, these species continue to be regulated under Part 7 (commencing with
23 Section 26500) of Division 7.

24 **Comment.** Section 225 continues former Fish and Game Code Section 17 without substantive
25 change.

26 **§ 230. “Bag limit”**

27 230. “Bag limit” means the maximum limit, in number or amount, of birds,
28 mammals, fish, reptiles, or amphibians that may lawfully be taken by any one
29 person during a specified period of time.

30 **Comment.** Section 230 continues former Fish and Game Code Section 18 without change.

31 **§ 235. “Bait net”**

32 235. “Bait net” means a lampara net or round haul type net, the mesh of which is
33 constructed of twine not exceeding Standard No. 9 medium cotton seine twine, or
34 synthetic twine of equivalent size or strength.

35 **Comment.** Section 235 generalizes the first sentence of former Fish and Game Code Section
36 8780(a).

37 **Note.** Existing Fish and Game Code Section 8780(a) (which would be continued by proposed
38 Section 235) provides a definition of the term “bait net,” for purposes of the chapter in which that


1 section appears. However, the term is used without a corresponding definition elsewhere in the
2 existing code. See, e.g., existing Fish and Game Code § 10660.

3 **The Commission invites comment on whether it would be problematic to generalize the**
4 **definition so that it applies code-wide.**

5 **§ 240. “Beach net”**

6 240. “Beach net” means a net hauled from the water to the beach or shore, and
7 includes a beach seine and a haul seine.

8 **Comment.** Section 240 generalizes former Fish and Game Code Section 8800.

9  **Note.** Existing Fish and Game Code Section 8800 (which would be continued by proposed
10 Section 240) provides a definition of the term “beach net,” for purposes of the chapter in which
11 that section appears.

12 **The Commission invites comment on whether it would be problematic to generalize the**
13 **definition so that it applies code-wide.**

14 **§ 245. “Bird”**

15 245. “Bird” means a wild bird or part of a wild bird.

16 **Comment.** Section 245 continues former Fish and Game Code Section 22 without change.

17 The reference to a “part” of an animal in this section is superfluous. See Section 95 (reference
18 to animal generally includes part of animal). It is retained solely for clarity, and is not intended to
19 affect the meaning of any other provision of this code that includes or omits a reference to a
20 “part” of an animal.

21 **§ 250. “Body-gripping trap”**


22 250. A body-gripping trap is one that grips the mammal’s body or body part,
23 including, but not limited to, steel-jawed leghold traps, padded-jaw leghold traps,
24 conibear traps, and snares. Cage and box traps, nets, suitcase-type live beaver
25 traps, and common rat and mouse traps shall not be considered body-gripping
26 traps.

27 **Comment.** Section 250 continues the second and third sentences of former Fish and Game
28 Code Section 3003.1(a) without change.

29 **§ 255. “Bucket trap”**

30 255. “Bucket trap” means a plastic bucket of five gallons or less in capacity.

31 **Comment.** Section 255 generalizes former Fish and Game Code Section 9000.5(a).

32  **Note.** Existing Fish and Game Code Section 9000.5(a) (which would be continued by
33 proposed Section 255) provides a definition of the term “bucket trap,” for purposes of the article
34 in which that section appears.

35 **The Commission invites comment on whether it would be problematic to generalize the**
36 **definition so that it applies code-wide.**

37 **§ 260. “Buy”**

38 260. “Buy” includes an offer to buy, purchase, barter, exchange, or trade.

39 **Comment.** Section 260 continues former Fish and Game Code Section 24 without change.

1 § 265. “Bycatch”

2 265. “Bycatch” means fish or other marine life that are taken in a fishery but
3 which are not the target of the fishery. “Bycatch” includes discards.

4 **Comment.** Section 265 generalizes former Fish and Game Code Section 90.5.

5 **Note.** Existing Fish and Game Code Section 90.5 (which would be continued by proposed
6 Section 265) provides a definition of the term “bycatch” for purposes of existing Section 1700,
7 provisions contained in Division 6 (commencing with Section 5500) of the existing code, and all
8 regulations adopted pursuant to those provisions. See existing Section 90.

9 **The Commission invites comment on whether it would be problematic to generalize the**
10 **definition so that it applies code-wide.**

11 § 270. “Chumming”

12 270. “Chumming” means the placing in the water of fish, or other material upon
13 which fish feed, for the purpose of attracting fish to a particular area in order that
14 they may be taken.

15 **Comment.** Section 270 continues former Fish and Game Code Section 27 without change.

16 § 275. “Closed season”

17 275. “Closed season” means that period of time during which the taking of
18 birds, mammals, fish, amphibians, or reptiles is prohibited.

19 **Comment.** Section 275 continues former Fish and Game Code Section 29 without change.

20 § 280. “Commercial fisherman”

21 280. “Commercial fisherman” means a person engaging in an activity for which
22 a commercial fishing license is required pursuant to Section 14500.

23 **Comment.** Section 280 is drawn from former Fish and Game Code Sections 8040(a) and 7850.
24 It is added for drafting convenience.

25 **Note.** In general, the Commission believes that the laws governing commercial fishing should
26 apply to anyone who is engaged in the regulated activity, regardless of whether that person holds
27 a valid license. That general principle is undermined by the Fish and Game Code’s occasional use
28 of the term “licensed commercial fisherman” in provisions that regulate commercial fishing. Such
29 provisions impliedly only apply to a person who holds a valid commercial fishing license. See,
30 e.g., Sections 8031(a)(4) (““Commercial fisherman” means a person who has a valid, unrevoked
31 commercial fishing license issued pursuant to Section 7850.”).

32 Read literally, such provisions would make some provisions that regulate commercial fishing
33 inapplicable to persons fishing commercially without a valid license. To avoid that result,
34 proposed Section 280 defines the term “commercial fisherman” to mean a person who is required
35 by law to have a commercial fishing license (i.e., a person who is engaging in regulated
36 commercial fishing activity). That defined term is then used throughout this portion of the
37 proposed Fish and Wildlife Code, replacing references to a “licensed commercial fisherman.” The
38 Commission will make an exception to that practice if it finds that a provision that regulates
39 commercial fishing is clearly intended to make holding a license a necessary substantive element
40 of a rule. In those cases, the term “licensed commercial fisherman” would be used.

41 **The Commission invites comment on whether the addition of this definition to the**
42 **proposed law, or the substitution of the defined term for references to a “licensed**
43 **commercial fisherman” in provisions of the proposed law, would be problematic.**

1 § 285. “Commercial fishing entitlement”

2 285. “Commercial fishing entitlement” means a commercial fishing license, or
3 any other permit, stamp, or entitlement issued by the department, to take, possess
4 aboard a boat, or land fish for a commercial purpose, but not including the
5 following entitlements:

6 (a) A license issued pursuant to Title 9 (commencing with Section 20200) of
7 Part 6 of Division 6.

8 (b) A license issued pursuant to Title 13 (commencing with Section 22100) of
9 Part 6 of Division 6.

10 (c) A commercial boat registration or other entitlement authorizing the use of a
11 vessel.

12 **Comment.** Section 285 is new. It is added for drafting convenience.

13 **Note.** Existing Fish and Game Code Sections 7852.1, 7852.2, 7852.25, and 7857 refer in
14 slightly different ways to the various entitlements related to commercial fishing to which those
15 provisions apply. Proposed Section 285 would conform and standardize those application
16 provisions, excluding entitlements that generally apply to distinguishable subject matter.

17 **The Commission invites comment on the inclusion and wording of proposed Section 285.**

18 § 290. “Commercial fishing license”

19 290. “Commercial fishing license” means a valid, unrevoked commercial fishing
20 license issued pursuant to Section 14500.

21 **Comment.** Section 290 generalizes former Fish and Game Code Section 8031(a)(4). It is
22 added for drafting convenience.

23 **Note.** Existing Fish and Game Code Section 8031(a)(4) (which would be continued by
24 proposed Section 290) defines the term “commercial fishing license,” for purposes of the articles
25 in which those sections appear. However, the term is used without a corresponding definition in
26 many other provisions of the existing code.

27 **The Commission invites comment on whether it would be problematic to generalize the
28 definition so that it applies code-wide.**

29 § 295. “Commercial passenger fishing boat”

30 295. For purposes of this title, “commercial passenger fishing boat” means a
31 boat or vessel from which its owner, for profit, permits a passenger to take fish.

32 **Comment.** Section 295 is drawn from the first paragraph of former Fish and Game Code
33 Section 7920. It is added for drafting convenience.


34 **Note.** Proposed Section 295 is drawn from the first paragraph of existing Fish and Game
35 Code Section 7920.

36 **The Commission invites comment on whether it would be problematic to include in the
37 proposed law and generalize a definition of the term “commercial passenger fishing boat”
38 as set forth in proposed Section 295 that would apply code-wide.**

39 § 300. “Commercial passenger fishing boat owner”

40 300. “Commercial passenger fishing boat owner” means a person engaging in an
41 activity for which a commercial passenger fishing boat license is required pursuant
42 to Sections 21900 and 21905.

1 **Comment.** Section 300 is drawn from the first paragraph of former Fish and Game Code
2 Section 7920. It is added for drafting convenience.

3  **Note.** Proposed Section 300 is drawn from the first paragraph of existing Fish and Game
4 Code Section 7920.

5 **The Commission invites comment on whether it would be problematic to include in the**
6 **proposed law and generalize a definition of the term “commercial passenger fishing boat**
7 **owner” as set forth in proposed Section 300 that would apply code-wide.**

8 **§ 305. “Commission”**

9 305. “Commission” means the Fish and Game Commission.

10 **Comment.** Section 305 continues the first clause of former Fish and Game Code Section 30
11 without change.

12 **§ 310. “Commissioner”**

13 310. “Commissioner” means a member of the Fish and Game Commission.

14 **Comment.** Section 310 continues the second clause of former Fish and Game Code Section 30
15 without change.

16 **§ 315. “County”**

17 315. “County” includes city and county.

18 **Comment.** Section 315 continues former Fish and Game Code Section 32 without change.

19 **§ 320. “Credible science”**

20 320. “Credible science” means the best available scientific information that is
21 not overly prescriptive due to the dynamic nature of science, and includes the
22 evaluation principles of relevance, inclusiveness, objectivity, transparency,
23 timeliness, verification, validation, and peer review of information as appropriate.
24 Credible science also recognizes the need for adaptive management, as scientific
25 knowledge evolves.

26 **Comment.** Section 320 continues former Fish and Game Code Section 33 without substantive
27 change.

28 **§ 325. “Day”**

29 325. “Day” means calendar day.

30 **Comment.** Section 325 continues the first clause of former Fish and Game Code Section 35
31 without change.

32 **§ 330. “Deeper nearshore species”**

33 330. “Deeper nearshore species” means those finfish identified as deeper
34 nearshore species in regulations adopted by the commission pursuant to Section
35 22620.

36 **Comment.** Section 330 generalizes former Fish and Game Code Section 9000.5(b).

1 **Note.** Existing Fish and Game Code Section 9000.5(b) (which would be continued by
2 proposed Section 330) provides a definition of the term “deeper nearshore species,” for purposes
3 of the article in which that section appears.

4 **The Commission invites comment on whether it would be problematic to generalize the**
5 **definition so that it applies code-wide.**

6 **§ 335. “Department”**

7 335. “Department” means the Department of Fish and Wildlife.

8 **Comment.** Section 335 continues former Fish and Game Code Section 37 without change.

9 **§ 340. “Depressed”**

10 340. “Depressed,” with regard to a marine fishery, means the condition of a
11 fishery for which the best available scientific information, and other relevant
12 information that the commission or department possesses or receives, indicates a
13 declining population trend has occurred over a period of time appropriate to that
14 fishery. With regard to fisheries for which management is based on maximum
15 sustainable yield, or in which a natural mortality rate is available, “depressed”
16 means the condition of a fishery that exhibits declining fish population abundance
17 levels below those consistent with maximum sustainable yield.

18 **Comment.** Section 340 generalizes former Fish and Game Code Section 90.7.

19 **Note.** Existing Fish and Game Code Section 90.7 (which would be continued by proposed
20 Section 340) provides a definition of the term “depressed” with regard to a marine fishery, for
21 purposes of existing Section 1700, provisions contained in Division 6 (commencing with Section
22 5500) of the existing code, and all regulations adopted pursuant to those provisions. See existing
23 Section 90.

24 **The Commission invites comment on whether it would be problematic to generalize the**
25 **definition so that it applies code-wide.**

26 **§ 345. “Director”**

27 345. “Director” means the Director of Fish and Wildlife.

28 **Comment.** Section 345 continues former Fish and Game Code Section 39 without change.

29 **§ 350. “Discards”**

30 350. “Discards” means fish that are taken in a fishery but are not retained
31 because they are of an undesirable species, size, sex, or quality, or because they
32 are required by law not to be retained.

33 **Comment.** Section 350 generalizes former Fish and Game Code Section 91.

34 **Note.** Existing Fish and Game Code Section 91 (which would be continued by proposed
35 Section 350) provides a definition of the term “discards” for purposes of existing Section 1700,
36 provisions contained in Division 6 (commencing with Section 5500) of the existing code, and all
37 regulations adopted pursuant to those provisions. See existing Section 90.

38 **The Commission invites comment on whether it would be problematic to generalize the**
39 **definition so that it applies code-wide.**

1 § 355. “District”

2 355. “District” means fish and wildlife district.

3 **Comment.** Section 355 continues former Fish and Game Code Section 41 without substantive
4 change.

5 § 360. “Ecosystem-based management”

6 360. “Ecosystem-based management” means an environmental management
7 approach relying on credible science that recognizes the full array of interactions
8 within an ecosystem, including humans, rather than considering single issues,
9 species, or ecosystem services in isolation.

10 **Comment.** Section 360 continues former Fish and Game Code Section 43 without substantive
11 change.

12 § 365. “Essential fishery information”

13 365. “Essential fishery information,” with regard to a marine fishery, means
14 information about fish life history and habitat requirements; the status and trends
15 of fish populations, fishing effort, and catch levels; fishery effects on fish age
16 structure and on other marine living resources and users, and any other
17 information related to the biology of a fish species or to taking in the fishery that is
18 necessary to permit fisheries to be managed according to the requirements of this
19 code.

20 **Comment.** Section 365 generalizes former Fish and Game Code Section 93.

21 **Note.** Existing Fish and Game Code Section 93 (which would be continued by proposed
22 Section 365) provides a definition of the term “essential fishery information” with regard to a
23 marine fishery, for purposes of existing Section 1700, provisions contained in Division 6
24 (commencing with Section 5500) of the existing code, and all regulations adopted pursuant to
25 those provisions. See existing Section 90.

26 **The Commission invites comment on whether it would be problematic to generalize the**
27 **definition so that it applies code-wide.**

28 § 370. “Exotic nonresident game bird”

29 370. “Exotic nonresident game bird” means a bird of the order Galliformes
30 (pheasant, grouse, quail) that is not established as a wild resident population in this
31 state.

32 **Comment.** Section 370 continues former Fish and Game Code Section 3514 without
33 substantive change.

34 **Note.** It is unclear whether the parenthetical in existing Fish and Game Code Section 3514
35 (which would be continued by proposed Section 370) – “(pheasant, grouse, quail)” – is meant to
36 be merely illustrative, or is intended as a substantive limitation on the types of birds that are
37 included in the definition of “exotic nonresident game birds.”

38 The order Galliformes includes a number of types of birds that are not listed in the
39 parenthetical (e.g., partridges, turkeys, ptarmigans, guineafowl). If nonresident varieties of those
40 types of birds were introduced into California, would they be within the scope of the definition?

41 **The Commission invites comment on this issue.**

1 § 375. “Finfish”

2 375. “Finfish” means any species of bony fish or cartilaginous fish.

3 **Comment.** Section 375 is drawn from Section 1.46 of Title 14 of the California Code of
4 Regulations. It is added for drafting convenience.

5 § 380. “Fish”

6 380. “Fish” means a wild fish, mollusk, crustacean, invertebrate, amphibian, or
7 part, spawn, or ovum of any of those animals.

8 **Comment.** Section 380 continues former Fish and Game Code Section 45 without substantive
9 change.

10 The reference to a “part” of an animal in this section is superfluous. See Section 95 (reference
11 to animal generally includes part of animal). It is retained solely for clarity, and is not intended to
12 affect the meaning of any other provision of this code that includes or omits a reference to a
13 “part” of an animal.

14 § 385. “Fish importer”

15 385. “Fish importer” means a person engaging in an activity for which a fish
16 importer’s license is required pursuant to Section 20350.

17 **Comment.** Section 385 is drawn from former Fish and Game Code Section 8036(a). It is added
18 for drafting convenience.

19 **Note.** Proposed Section 385 is drawn from existing Fish and Game Code Section 8036(a).
20 **The Commission invites comment on whether it would be problematic to include in the**
21 **proposed law and generalize a definition of the term “fish importer” as set forth in**
22 **proposed Section 385 that would apply code-wide.**

23 § 390. “Fish processor”

24 390. “Fish processor” means a person engaging in an activity for which a fish
25 processor’s license is required pursuant to Section 20400.

26 **Comment.** Section 390 is drawn from former Fish and Game Code Section 8034. It is added
27 for drafting convenience.

28 **Note.** Proposed Section 390 is drawn from existing Fish and Game Code Section 8034(a).
29 However, the term is used without a corresponding definition elsewhere in the existing code. See,
30 e.g., existing Fish and Game Code §§ 7232, 8110.
31 **The Commission invites comment on whether it would be problematic to include in the**
32 **proposed law and generalize a definition of the term “fish processor” as set forth in**
33 **proposed Section 390 that would apply code-wide.**

34 § 395. “Fish receiver”

35 395. “Fish receiver” means a person engaging in an activity for which a fish
36 receiver’s license is required pursuant to Section 20450.

37 **Comment.** Section 395 is drawn from former Fish and Game Code Section 8033. It is added
38 for drafting convenience.

39 **Note.** Proposed Section 395 is drawn from existing Fish and Game Code Section 8033.
40 However, the term is used without a corresponding definition elsewhere in the existing code. See,
41 e.g., existing Fish and Game Code §§ 7850.5, 8041, 8047.

1 **The Commission invites comment on whether it would be problematic to include in the**
2 **proposed law and generalize a definition of the term “fish receiver” as set forth in proposed**
3 **Section 3905 that would apply code-wide.**

4 **§ 400. “Fish retailer”**

5 400. “Fish retailer” means a person engaging in an activity for which a fish
6 retailer’s license is required pursuant to Section 20500.

7 **Comment.** Section 400 is drawn from former Fish and Game Code Section 8033.5(a). It is
8 added for drafting convenience.

9 **Note.** Proposed Section 400 is drawn from existing Fish and Game Code Section 8033.5(a).
10 **The Commission invites comment on whether it would be problematic to include in the**
11 **proposed law and generalize a definition of the term “fish retailer” as set forth in proposed**
12 **Section 400 that would apply code-wide.**

13 **§ 405. “Fish wholesaler”**

14 405. “Fish wholesaler” means a person engaging in an activity for which a fish
15 wholesaler’s license is required pursuant to Section 20550.

16 **Comment.** Section 405 is drawn from former Fish and Game Code Section 8035. It is added
17 for drafting convenience.

18 **Note.** Proposed Section 405 is drawn from existing Fish and Game Code Section 8035.
19 **The Commission invites comment on whether it would be problematic to include in the**
20 **proposed law and generalize a definition of the term “fish wholesaler” as set forth in**
21 **proposed Section 405 that would apply code-wide.**

22 **§ 410. “Fishery”**

23 410. “Fishery” means both of the following:

24 (a) One or more populations of marine fish or marine plants that may be treated
25 as a unit for purposes of conservation and management and that are identified on
26 the basis of geographical, scientific, technical, recreational, and economic
27 characteristics.

28 (b) Fishing for, harvesting, or catching the populations described in subdivision
29 (a).

30 **Comment.** Section 410 generalizes former Fish and Game Code Section 94.

31 **Note.** Existing Fish and Game Code Section 94 (which would be continued by proposed
32 Section 410) provides a definition of the term “fishery” for purposes of existing Section 1700,
33 provisions contained in Division 6 (commencing with Section 5500) of the existing code, and all
34 regulations adopted pursuant to those provisions. See existing Section 90. However, the term is
35 used without a corresponding definition elsewhere in the existing code. See, e.g., existing Fish
36 and Game Code §§ 1000.6, 1068, 1174.

37 **The Commission invites comment on whether it would be problematic to generalize the**
38 **definition so that it applies code-wide.**

39 **§ 415. “Fully protected amphibian”**

40 415. “Fully protected amphibian” means any of the following amphibians:

41 (a) Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*).

1 (b) Limestone salamander (*Hydromantes brunus*).

2 (c) Black toad (*Bufo boreas exsul*).

3 **Comment.** Section 415 continues former Fish and Game Code Section 5050(b)(3)-(5) without
4 substantive change.

5 **§ 420. “Fully protected bird”**

6 420. “Fully protected bird” means any of the following birds:

7 (a) American peregrine falcon (*Falco peregrinus anatum*).

8 (b) Brown pelican.

9 (c) California black rail (*Laterallus jamaicensis coturniculus*).

10 (d) California clapper rail (*Rallus longirostris obsoletus*).

11 (e) California condor (*Gymnogyps californianus*).

12 (f) California least tern (*Sterna albifrons browni*).

13 (g) Golden eagle.

14 (h) Greater sandhill crane (*Grus canadensis tabida*).

15 (i) Light-footed clapper rail (*Rallus longirostris levipes*).

16 (j) Southern bald eagle (*Haliaeetus leucocephalus leucocephalus*).

17 (k) Trumpeter swan (*Cygnus buccinator*).

18 (l) White-tailed kite (*Elanus leucurus*).

19 (m) Yuma clapper rail (*Rallus longirostris yumanensis*).

20 **Comment.** Section 420 continues former Fish and Game Code Section 3511(b) without
21 substantive change.

22 **§ 425. “Fully protected fish”**

23 425. “Fully protected fish” means any of the following fish:

24 (a) Colorado River squawfish (*Ptychocheilus lucius*).

25 (b) Humpback sucker (*Xyrauchen texanus*).

26 (c) Lost River sucker (*Catostomus luxatus*).

27 (d) Modoc sucker (*Catostomus microps*).

28 (e) Mohave chub (*Gila mohavensis*).

29 (f) Owens pupfish (*Cyprinoden radiosus*).

30 (g) Rough sculpin (*Cottus asperrimus*).

31 (h) Shortnose sucker (*Chasmistes brevirostris*).

32 (i) Thicktail chub (*Gila crassicauda*).

33 (j) Unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*).

34 **Comment.** Section 425 continues former Fish and Game Code Section 5515(b) without
35 substantive change.

36 **§ 430. “Fully protected mammal”**

37 430. “Fully protected mammal” means any of the following mammals:

38 (a) Bighorn sheep (*Ovis canadensis*), except a mature Nelson bighorn ram
39 (subspecies *Ovis canadensis nelsoni*) when the object of sport hunting authorized
40 by subdivision (b) of Section 35900.

- 1 (b) Guadalupe fur seal (*Arctocephalus townsendi*).
- 2 (c) Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*).
- 3 (d) Northern elephant seal (*Mirounga angustirostris*).
- 4 (e) Pacific right whale (*Eubalaena sieboldi*).
- 5 (f) Ring-tailed cat (genus *Bassariscus*).
- 6 (g) Salt-marsh harvest mouse (*Reithrodontomys raviventris*).
- 7 (h) Southern sea otter (*Enhydra lutris nereis*).
- 8 (i) Wolverine (*Gulo luscus*).

9 **Comment.** Section 430 continues former Fish and Game Code Section 4700(b) without
10 substantive change.

11 **Note.** Existing Fish and Game Code Section 4700(b)(2) (which would be continued by
12 proposed Section 430(a)) provides that bighorn sheep in general are fully protected mammals,
13 “except Nelson bighorn sheep (subspecies *Ovis canadensis nelsoni*) as provided by subdivision
14 (b) of Section 4902.” However, existing Section 4902(b) provides only for the hunting of mature
15 Nelson bighorn rams, and appears to provide that all other Nelson bighorn sheep remain fully
16 protected mammals. Proposed Section 430 would therefore except only mature Nelson bighorn
17 rams from the classification of bighorn sheep as fully protected mammals.

18 **The Commission invites comment on whether this revision would cause any substantive**
19 **change in the meaning of existing Section 4700(b).**

20 **§ 435. “Fur-bearing mammal”**

21 435. “Fur-bearing mammal” means any of the following mammals:

- 22 (a) Badger.
- 23 (b) Beaver.
- 24 (c) Fisher.
- 25 (d) Gray fox.
- 26 (e) Kit fox.
- 27 (f) Mink.
- 28 (g) Muskrat.
- 29 (h) Pine marten.
- 30 (i) Raccoon.
- 31 (j) Red fox.
- 32 (k) River otter.

33 **Comment.** Section 435 continues former Fish and Game Code Section 3900 without
34 substantive change.

35 **§ 440. “Fully protected reptile”**

36 440. “Fully protected reptile” means either of the following reptiles:


- 37 (a) Blunt-nosed leopard lizard (*Crotaphytus wislizenii silus*).
- 38 (b) San Francisco garter snake (*Thamnophis sirtalis tetrataenia*).

39 **Comment.** Section 440 continues former Fish and Game Code Section 5050(b)(1)-(2) without
40 substantive change.

1 § 445. “Game amphibian”

2 445. “Game amphibian” means an amphibian that can be lawfully taken for a
3 noncommercial purpose.

4 **Comment.** Section 445 is new. It is added for drafting convenience.

5  **Note.** Proposed Section 445 would define the undefined term “game amphibian.” **The**
6 **Commission invites comment on whether the proposed definition would change existing law**
7 **in a problematic way.**

8 § 450. “Game bird”


9 450. “Game bird” means a resident game bird or a migratory game bird.

10 **Comment.** Section 450 continues former Fish and Game Code Section 3500(c) without
11 substantive change.

12 § 455. “Game fish”

13 455. “Game fish” means a fish that can be lawfully taken for a noncommercial
14 purpose.

15 **Comment.** Section 455 is new. It is added for drafting convenience.

16  **Note.** Proposed Section 455 would define the undefined term “game fish,” which is used in
17 existing Fish and Game Code Sections 307, 2003, 2005, and 8183. **The Commission invites**
18 **comment on whether the proposed definition would change existing law in a problematic**
19 **way.**

20 § 460. “Game mammal”

21 460. (a) “Game mammal” means any of the following mammals:

22 (1) Black and brown or cinnamon bear (genus *Euarctos*).

23 (2) Deer (genus *Odocoileus*).

24 (3) Elk (genus *Cervus*).

25 (4) Jackrabbit and varying hare (genus *Lepus*), cottontails, brush rabbits, pigmy
26 rabbits (genus *Sylvilagus*).

27 (5) Mature Nelson bighorn ram (subspecies *Ovis canadensis nelsoni*), only when
28 the object of sport hunting authorized by subdivision (b) of Section 35900.

29 (6) Mountain lion (genus *Felis*).

30 (7) Prong-horned antelope (genus *Antilocapra*).

31 (8) Tree squirrel (genus *Sciurus* and *Tamiasciurus*).

32 (9) Wild pig, including feral pig and European wild boar (genus *Sus*).

33 (b) Notwithstanding subdivision (a) or any other provision of this code, the
34 mountain lion (genus *Felis*) shall not be listed as, or considered to be, a game
35 mammal by the department or the commission.

36 (c) Section 1025 does not apply to subdivision (b). Neither the commission nor
37 the department shall adopt any regulation that conflicts with or supersedes this
38 subdivision, or subdivision (b).

39 **Comment.** Subdivisions (a)(1)-(4) and (a)(6)-(9) of Section 460 continue former Fish and
40 Game Code Section 3950(a) without substantive change.

1 Subdivision (a)(5) continues former Fish and Game Code Section 3950(b) without substantive
2 change.

3 Subdivisions (b) and (c) restate former Fish and Game Code Section 3950.1 without
4 substantive change.

5 **Note.** Existing Fish and Game Code Section 3950.1 (which would be continued by proposed
6 Section 460(b) and (c)) was added to the existing code in 1990 pursuant to an initiative statute,
7 Proposition 117.

8 Under Article 2, Section 10(c) of the California Constitution, an initiative statute may be
9 amended or repealed by the Legislature only when expressly permitted by the text of the initiative
10 statute. The text of Proposition 117 provides in pertinent part that any section added to the Fish
11 and Game Code by the proposition may be subsequently amended by the Legislature “only by a
12 statute approved by a vote of four-fifths of the members of both houses of the Legislature,” and
13 that any such amendment “shall be consistent with, and further the purposes of,” the proposition.
14 The text does not address a subsequent repeal of any section added by the proposition.

15 However, courts have held that, for the provisions of Article 2, Section 10(c), a legislative
16 enactment only amends an initiative statute when it “prohibits what the initiative authorizes, or
17 authorizes what the initiative prohibits.” *People v. Superior Court (Pearson)*, 48 Cal. 4th 564,
18 571; 227 P.3d 858; 107 Cal. Rptr. 3d 265 (2010). (The Commission has located no authority
19 directly addressing whether this principle also applies to a repeal of an initiative statute.)

20 Based on interpretative case law, the Office of Legislative Counsel has informally expressed to
21 the Commission its view that the repeal and recodification of an initiative statute in a single
22 enactment is not precluded by Article 2, Section 10(c), if the recodification does not substantively
23 change the meaning of the repealed initiative statute.

24 Existing Section 3950.1 reads as follows:

25 “3950.1. (a) Notwithstanding Section 3950 or any other provision of this code, the mountain
26 lion (genus *Felis*) shall not be listed as, or considered to be, a game mammal by the department or
27 the commission.

28 (b) Section 219 does not apply to this section. Neither the commission nor the department shall
29 adopt any regulation that conflicts with or supersedes this section.”

30 **The Commission invites comment on whether the proposed recodification of existing**
31 **Section 3950.1 would substantively change the meaning of that provision, or would for some**
32 **other reason violate Article 2, Section 10(c) of the California Constitution.**

33 **§ 465. “Game reptile”**

34 465. “Game reptile” means a reptile that can be lawfully taken for a
35 noncommercial purpose.

36 **Comment.** Section 465 is new. It is added for drafting convenience.

37 **Note.** Proposed Section 465 would define the undefined term “game reptile.” **The**
38 **Commission invites comment on whether the proposed definition would change existing law**
39 **in a problematic way.**

40 **§ 470. “General trap permit”**

41 470. “General trap permit” means a valid permit to take fish for a commercial
42 purpose issued pursuant to Section 19205 that has not been suspended or revoked.

43 **Comment.** Section 470 generalizes former Fish and Game Code Section 9000.5(c).

44 **Note.** Existing Fish and Game Code Section 9000.5(c) (which would be continued by
45 proposed Section 470) provides a definition of the term “general trap permit,” for purposes of the
46 article in which that section appears.

1 **The Commission invites comment on whether it would be problematic to generalize the**
2 **definition so that it applies code-wide.**

3 **§ 475. “Guide boat”**

4 475. “Guide boat” means a boat or vessel under 25 feet in length, which is used
5 by a guide, who is licensed under Title 4 (commencing with Section 8800) of Part
6 1 of Division 6, in inland waters for any of the following purposes:

7 (1) For the business of packing or guiding.

8 (2) For compensation, to assist another person in taking or attempting to take
9 any fish or amphibian.

10 (3) For compensation, to assist another person in locating any bird or mammal.

11 **Comment.** Section 475 continues former Fish and Game Code Section 46 without substantive
12 change.

13 **§ 480. “Hook” and related terms**

14 480. “Hook” or “fishhook” means an implement to catch or hold fish or
15 amphibians. “Single hook” means any hook with one point and with or without a
16 barb; “double hook” means any hook with two points and with or without barbs;
17 “treble or triple hook” means any hook with three points and with or without
18 barbs. “Snag” or “gaff” hooks are hooks with or without handles used to take fish
19 in such manner that the fish does not take the hook voluntarily in its mouth.

20 **Comment.** Section 480 continues former Fish and Game Code Section 48 without substantive
21 change.

22 **§ 485. “Kelp”**

23 485. “Kelp” means kelp or other marine aquatic plants and the seeds thereof.

24 **Comment.** Section 485 continues former Fish and Game Code Section 51 without change.

25 **§ 490. “Korean trap”**

26 490. “Korean trap” means a molded plastic cylinder that does not exceed 6
27 inches in diameter and does not exceed 24 inches in length.

28 **Comment.** Section 490 generalizes former Fish and Game Code Section 9000.5(d).

29 **Note.** Existing Fish and Game Code Section 9000.5(d) (which would be continued by
30 proposed Section 490) provides a definition of the term “Korean trap,” for purposes of the article
31 in which that section appears.

32 **The Commission invites comment on whether it would be problematic to generalize the**
33 **definition so that it applies code-wide.**

34 **§ 495. “Limited entry fishery”**

35 495. “Limited entry fishery” means a fishery in which the number of persons
36 who may participate or the number of vessels that may be used in taking a
37 specified species of fish is limited by statute or regulation.

38 **Comment.** Section 495 continues former Fish and Game Code Section 8100 without change.

1 § 500. “Live freshwater bait fish dealer”

2 500. “Live freshwater bait fish dealer” means a person engaging in an activity
3 for which a live freshwater bait fish license is required pursuant to Section 22100.

4 **Comment.** Section 500 is drawn from former Fish and Game Code Section 8460. It is added
5 for drafting convenience.

6 **Note.** Proposed Section 500 is drawn from existing Fish and Game Code Section 8460.

7 **The Commission invites comment on whether it would be problematic to include in the**
8 **proposed law and generalize a definition of the term “live freshwater bait fish dealer” as set**
9 **forth in proposed Section 500 that would apply code-wide.**

10 § 505. “Mammal”

11 505. “Mammal” means a wild or feral mammal or part of a wild or feral
12 mammal, but not a wild, feral, or undomesticated burro.

13 **Comment.** Section 505 continues former Fish and Game Code Section 54 without change.

14 The reference to a “part” of an animal in this section is superfluous. See Section 95 (reference
15 to animal generally includes part of animal). It is retained solely for clarity, and is not intended to
16 affect the meaning of any other provision of this code that includes or omits a reference to a
17 “part” of an animal.

18 § 510. “Marine aquaria collector”

19 510. “Marine aquaria collector” means a person engaging in an activity for
20 which a marine aquaria collector’s permit is required pursuant to Section 20705.

21 **Comment.** Section 510 is drawn from former Fish and Game Code Section 8597(a). It is added
22 for drafting convenience.

23 **Note.** Proposed Section 510 is drawn from existing Fish and Game Code Section 8597(a).

24 **The Commission invites comment on whether it would be problematic to include in the**
25 **proposed law and generalize a definition of the term “marine aquaria collector” as set forth**
26 **in proposed Section 510 that would apply code-wide.**

27 § 515. “Marine aquaria receiver”

28 515. “Marine aquaria receiver” means a person engaging in an activity for which
29 a marine aquaria receiver’s license is required pursuant to Section 20600.

30 **Comment.** Section 515 is drawn from former Fish and Game Code Section 8033.1(a). It is
31 added for drafting convenience.

32 **Note.** Proposed Section 515 is drawn from existing Fish and Game Code Section 8597(a).
33 However, the term is used without a corresponding definition elsewhere in the existing code. See,
34 e.g., existing Fish and Game Code § 8043.1.

35 **The Commission invites comment on whether it would be problematic to include in the**
36 **proposed law and generalize a definition of the term “marine aquaria receiver” as set forth**
37 **in proposed Section 515 that would apply code-wide.**

38 § 520. “Marine finfish aquaculture”

39 520. “Marine finfish aquaculture” means the propagation, cultivation, or
40 maintenance of finfish species in the waters of the Pacific Ocean that are regulated
41 by this state.

1 **Comment.** Section 520 continues former Fish and Game Code Section 54.5 without change.

2 **§ 525. “Marine living resources”**

3 525. “Marine living resources” includes all wild mammals, birds, reptiles, fish,
4 and plants that normally occur in or are associated with salt water, and the marine
5 habitats upon which these animals and plants depend for their continued viability.

6 **Comment.** Section 525 generalizes former Fish and Game Code Section 96.

7 **Note.** Existing Fish and Game Code Section 96 (which would be continued by proposed
8 Section 525) provides a definition of the term “marine living resources” for purposes of existing
9 Section 1700, provisions contained in Division 6 (commencing with Section 5500) of the existing
10 code, and all regulations adopted pursuant to those provisions. See existing Section 90. However,
11 the term is used without a corresponding definition elsewhere in the existing code. See, e.g.,
12 existing Fish and Game Code § 93.

13 **The Commission invites comment on whether it would be problematic to generalize the**
14 **definition so that it applies code-wide.**

15 **§ 530. “Marine mammal”**

16 530. “Marine mammal” means any of the following mammals:

- 17 (a) Dolphin
- 18 (b) Porpoise.
- 19 (c) Sea lion.
- 20 (d) Sea otter.
- 21 (e) Seal.
- 22 (f) Whale.

23 **Comment.** Section 530 generalizes former Fish and Game Code Section 4500(c).

24 **Note.** Existing Fish and Game Code Section 4500(c) (which would be continued by proposed
25 Section 530) provides a definition of the term “marine mammal,” for purposes of the chapter in
26 which that provision appears. However, the term is used without a corresponding definition
27 elsewhere in the existing code. See, e.g., existing Fish and Game Code §§ 7712, 8420, 8609.

28 **The Commission invites comment on whether it would be problematic to generalize the**
29 **definition so that it applies code-wide.**

30 **§ 535. “Master”**

31 535. “Master,” with regard to a vessel, means the person on board a vessel who
32 is in charge of the vessel.

33 **Comment.** Section 535 continues the 3rd paragraph of former Fish and Game Code Section
34 12002.7, and former Fish and Game Code Section 12002.8(f), without substantive change.

35 **§ 540. “Maximum sustainable yield”**

36 540. “Maximum sustainable yield” in a marine fishery means the highest
37 average yield over time that does not result in a continuing reduction in stock
38 abundance, taking into account fluctuations in abundance and environmental
39 variability.

40 **Comment.** Section 540 generalizes former Fish and Game Code Section 96.5.

1 **Note.** Existing Fish and Game Code Section 96.5 (which would be continued by proposed
2 Section 540) provides a definition of the term “maximum sustainable yield” in a marine fishery
3 for purposes of existing Section 1700, provisions contained in Division 6 (commencing with
4 Section 5500) of the existing code, and all regulations adopted pursuant to those provisions. See
5 existing Section 90. However, the term is used in that context without a corresponding definition
6 elsewhere in the existing code. See, e.g., existing Fish and Game Code §§ 97, 98.

7 **The Commission invites comment on whether it would be problematic to generalize the**
8 **definition so that it applies code-wide.**

9 **§ 545. “Migratory game bird”**

10 545. “Migratory game bird” means any of the following birds:

- 11 (a) Band-tailed pigeon.
- 12 (b) Coot.
- 13 (c) Duck.
- 14 (d) Gallinule.
- 15 (e) Goose.
- 16 (f) Jacksnipe.
- 17 (g) Western mourning dove.
- 18 (h) White-winged dove.

19 **Comment.** Section 545 continues former Fish and Game Code Section 3500(b) without
20 substantive change.

21 **§ 550. “Mile”**

22 550. “Mile” means either a statute mile (5,280 feet) or a nautical mile (6,077
23 feet) depending on the application. Statute miles shall be the unit of measurement
24 for all land masses, rivers, streams, creeks, and inland bodies of water. Nautical
25 miles shall be the unit of measurement for all marine waters.

26 **Comment.** Section 550 continues former Section 55 without change.

27 **§ 555. “Native California trout”**

28 555. “Native California trout” means any of the following fish:


- 29 (a) California golden trout.
- 30 (b) Coastal cutthroat trout.
- 31 (c) Coastal rainbow trout/steelhead.
- 32 (d) Eagle Lake rainbow trout.
- 33 (e) Goose Lake redband trout.
- 34 (f) Kern River rainbow trout.
- 35 (g) Lahontan cutthroat trout.
- 36 (h) Little Kern golden trout.
- 37 (i) McCloud River redband trout.
- 38 (j) Paiute cutthroat trout.
- 39 (k) Warner Valley redband trout.

40 **Comment.** Section 555 continues former Fish and Game Code Section 7261 without
41 substantive change.

1 § 560. “Nearshore species”

2 560. “Nearshore species” means those finfish identified as nearshore species in
3 regulations adopted by the commission pursuant to Section 22620.

4 **Comment.** Section 560 generalizes former Fish and Game Code Section 9000.5(e).

5  **Note.** Existing Fish and Game Code Section 9000.5(e) (which would be continued by
6 proposed Section 560) provides a definition of the term “nearshore species,” for purposes of the
7 article in which that section appears.

8 **The Commission invites comment on whether it would be problematic to generalize the**
9 **definition so that it applies code-wide.**

10 § 565. “Net”

11 565. “Net” means any gear made of any kind of twine, thread, string, rope, wire,
12 wood, or other materials used for the gilling, entangling, trapping, or impounding
13 fish.

14 **Comment.** Section 565 continues former Fish and Game Code Section 56 without change.

15 § 570. “Nongame bird”

16 570. “Nongame bird” means a bird occurring naturally in California that is not a
17 resident game bird, migratory game bird, or fully protected bird.

18 **Comment.** Section 570 continues the first sentence of former Fish and Game Code Section
19 3800(a) without substantive change.

20 § 575. “Nongame mammal”

21 575. “Nongame mammal” means any of the following mammals:

22 (a) A mammal occurring naturally in California that is not a game mammal,
23 fully protected mammal, or fur-bearing mammal.

24 (b) A house cat (*Felis domesticus*) found within the limits of a fish and game
25 refuge, except if in the residence of its owner or on the grounds adjacent to that
26 residence.


27 **Comment.** Subdivision (a) of Section 575 continues the first sentence of former Fish and
28 Game Code Section 4150 without substantive change.

29 Subdivision (b) continues former Fish and Game Code Section 4151 without substantive
30 change.

31 § 580. “Nonresident”

32 580. “Nonresident” means a person who is not a resident as defined in Section
33 660.

34 **Comment.** Section 580 restates former Fish and Game Code Section 57 to reconcile the
35 definition of the term “nonresident” with the definition of the term “resident” in former Fish and
36 Game Code Section 70. See also Section 660 (“resident”).

37  **Note.** Proposed Section 580 would restate existing Fish and Game Code Section 57 to
38 eliminate an overlap between the definition of “nonresident” in that section and the definition of
39 “resident” in existing Section 70 (which would be continued by proposed Section 660).

40 **The Commission requests public comment on whether the revision would have any**
41 **problematic effect.**

1 § 585. “Oath”

2 585. “Oath” includes affirmation.

3 **Comment.** Section 585 continues former Fish and Game Code Section 60 without change.

4 § 590. “Ocean ranching”

5 590. “Ocean ranching” means aquaculture where juvenile anadromous fish are
6 reared and released into state waters to grow and return to an aquaculture facility
7 to be harvested commercially.

8 **Comment.** Section 590 continues former Fish and Game Code Section 61 without change.

9 § 595. “Open season” and “season”

10 595. “Open season” means that period of time during which the taking of birds,
11 mammals, fish, reptiles, or amphibians is allowed as prescribed in this code and
12 regulations adopted by the commission. If used to define the period of time during
13 which take is allowed, “season” means “open season.”

14 **Comment.** Section 595 continues former Fish and Game Code Section 62 without change.

15 § 600. “Optimum yield”

16 600. “Optimum yield,” with regard to a marine fishery, means the amount of
17 fish taken in a fishery that does all of the following:

18 (a) Provides the greatest overall benefit to the people of California, particularly
19 with respect to food production and recreational opportunities, and takes into
20 account the protection of marine ecosystems.

21 (b) Is the maximum sustainable yield of the fishery, as reduced by relevant
22 economic, social, or ecological factors.

23 (c) In the case of an overfished fishery, provides for rebuilding to a level
24 consistent with producing maximum sustainable yield in the fishery.

25 **Comment.** Section 600 generalizes former Fish and Game Code Section 97.

26 **Note.** Existing Fish and Game Code Section 97 (which would be continued by proposed
27 Section 600) provides a definition of the term “optimum yield,” with regard to a marine fishery,
28 for purposes of existing Section 1700, provisions contained in Division 6 (commencing with
29 Section 5500) of the existing code, and all regulations adopted pursuant to those provisions. See
30 existing Section 90. However, the term is used in that context without a corresponding definition
31 elsewhere in the existing code. See, e.g., existing Fish and Game Code § 99.5.

32 **The Commission invites comment on whether it would be problematic to generalize the**
33 **definition so that it applies code-wide.**

34 § 605. “Overfished”

35 605. “Overfished,” with regard to a marine fishery, means both of the following:

36 (a) A depressed fishery.

37 (b) A reduction of take in the fishery is the principal means for rebuilding the
38 population.

39 **Comment.** Section 605 generalizes former Fish and Game Code Section 97.5.

1 **Note.** Existing Fish and Game Code Section 97.5 (which would be continued by proposed
2 Section 605) provides a definition of the term “overfished” with regard to a marine fishery for
3 purposes of existing Section 1700, provisions contained in Division 6 (commencing with Section
4 5500) of the existing code, and all regulations adopted pursuant to those provisions. See existing
5 Section 90. However, the term is used in that context without a corresponding definition
6 elsewhere the existing code. See, e.g., existing Fish and Game Code § 97.

7 **The Commission invites comment on whether it would be problematic to generalize the**
8 **definition so that it applies code-wide.**

9 **§ 610. “Overfishing”**

10 610. “Overfishing” means a rate or level of taking that the best available
11 scientific information, and other relevant information that the commission or
12 department possesses or receives, indicates is not sustainable or that jeopardizes
13 the capacity of a marine fishery to produce the maximum sustainable yield on a
14 continuing basis.

15 **Comment.** Section 610 generalizes former Fish and Game Code Section 98.

16 **Note.** Existing Fish and Game Code Section 98 (which would be continued by proposed
17 Section 610) provides a definition of the term “overfishing” for purposes of existing Section
18 1700, provisions contained in Division 6 (commencing with Section 5500) of the existing code,
19 and all regulations adopted pursuant to those provisions. See existing Section 90. However, the
20 term is used without a corresponding definition elsewhere in the existing code. See, e.g., existing
21 Fish and Game Code § 14001.

22 **The Commission invites comment on whether it would be problematic to generalize the**
23 **definition so that it applies code-wide.**

24 **§ 615. “Participants”**

25 615. “Participants” in regard to a fishery means the sportfishing, commercial
26 fishing, and fish receiving and processing sectors of the fishery.

27 **Comment.** Section 615 generalizes former Fish and Game Code Section 98.2.

28 **Note.** Existing Fish and Game Code Section 98.2 (which would be continued by proposed
29 Section 615) provides a definition of the term “participants” in regard to a fishery for purposes of
30 existing Section 1700, provisions contained in Division 6 (commencing with Section 5500) of the
31 existing code, and all regulations adopted pursuant to those provisions. See existing Section 90.
32 However, the term is used in that context without a corresponding definition elsewhere in the
33 existing code. See, e.g., existing Fish and Game Code § 2855(b)(4).

34 **The Commission invites comment on whether it would be problematic to generalize the**
35 **definition so that it applies code-wide.**

36 **§ 620. “Person”**

37 620. “Person” means any natural person or any partnership, corporation, limited
38 liability company, trust, or other type of association.

39 **Comment.** Section 620 continues former Fish and Game Code Section 67 without change.

40 **§ 625. “Population”**

41 625. “Population” means a species, subspecies, geographical grouping, or other
42 category of fish capable of management as a unit.

1 **Comment.** Section 625 generalizes a part of former Fish and Game Code Section 98.5. See
2 also Section 745 (“stock”).

3 **Note.** Existing Fish and Game Code Section 98.5 (which would be continued by proposed
4 Section 625) provides a definition of the term “population” for purposes of existing Section 1700,
5 provisions contained in Division 6 (commencing with Section 5500) of the existing code, and all
6 regulations adopted pursuant to those provisions. See existing Section 90. However, the term is
7 used without a corresponding definition elsewhere in the existing code. See, e.g., existing Fish
8 and Game Code §§ 1726.4, 15007, 15400.

9 **The Commission invites comment on whether it would be problematic to generalize the**
10 **definition so that it applies code-wide.**

11 **§ 630. “Popup”**

12 630. “Popup” means a mechanism capable of releasing a submerged buoy at a
13 predetermined time.

14 **Comment.** Section 630 generalizes former Fish and Game Code Section 9000.5(f).

15 **Note.** Existing Fish and Game Code Section 9000.5(f) (which would be continued by
16 proposed Section 630) provides a definition of the term “popup,” for purposes of the article in
17 which that section appears.

18 **The Commission invites comment on whether it would be problematic to generalize the**
19 **definition so that it applies code-wide.**

20 **§ 635. “Possession limit”**

21 635. “Possession limit” means the maximum, in number or amount, of birds,
22 mammals, fish, reptiles, or amphibians that may be lawfully possessed by one
23 person.

24 **Comment.** Section 635 continues former Fish and Game Code Section 19 without change.

25 **§ 640. “Project”**

26 640. “Project” has the same meaning as defined in Section 21065 of the Public
27 Resources Code.

28 **Comment.** Section 640 continues the definition of “project” in former Fish and Game Code
29 Section 711.2(a) without change.

30 **§ 645. “Purchase”**

31 645. “Purchase” means “buy” as defined in Section 260.

32 **Comment.** Section 645 continues former Fish and Game Code Section 68 without substantive
33 change.

34 **§ 650. “Raw fur”**

35 650. “Raw fur” means any of the following:

36 (a) A fur, pelt, or skin that has not been tanned or cured.

37 (b) A pelt that is salt-cured or sun-cured.

38 **Comment.** Section 650 restates the second sentence of former Fish and Game Code Section
39 3905(a) without substantive change.

1 **Note.** Proposed Section 650 is intended to restate the second sentence of existing Fish and
2 Game Code Section 3905(a) to improve its clarity, without changing its substantive effect. The
3 existing provision reads as follows:

4 “‘Raw fur’ means any fur, pelt, or skin that has not been tanned or cured, except that salt-cured
5 or sun-cured pelts are raw furs.”

6 **The Commission invites comment on whether the restatement would cause any**
7 **substantive change in the meaning of the provision.**

8 **§ 655. “Recycled water” or “reclaimed water”**

9 655. “Recycled water” or “reclaimed water” has the same meaning as “recycled
10 water” as defined in subdivision (n) of Section 13050 of the Water Code.

11 **Comment.** Section 655 continues former Fish and Game Code Section 89 without substantive
12 change.

13 **§ 660. “Resident”**

14 660. “Resident” means any person who has resided continuously in the State of
15 California for six months or more immediately prior to the date of application for a
16 license or permit, any person on active military duty with the Armed Forces of the
17 United States or auxiliary branch thereof, or any person enrolled in the Job Corps
18 established pursuant to Section 2883 of Title 29 of the United States Code.

19 **Comment.** Section 660 continues former Section 70 without substantive change.

20 **§ 665. “Resident game bird”**

21 665. “Resident game bird” means any of the following birds:

22 (a) California quail and varieties thereof.

23 (b) Dove of the genus *Streptopelia*, including, but not limited to, spotted dove,
24 ringed turtledove, and Eurasian collared-dove.

25 (c) Gambel’s or desert quail.

26 (d) Hungarian partridge.

27 (e) Mountain quail and varieties thereof.

28 (f) Red-legged partridge, including the chukar and other varieties thereof.

29 (g) Ring-necked pheasant and varieties thereof.

30 (h) Ruffed grouse.

31 (i) Sage hens or sage grouse.

32 (j) Sooty or blue grouse and varieties thereof.

33 (k) Wild turkey.

34 **Comment.** Section 665 continues former Fish and Game Code Section 3500(a) without
35 substantive change.


36 **Note.** Existing Fish and Game Code Section 3500(a)(11) (which would be continued by
37 proposed Section 665(k)), lists “wild turkeys of the order Galliformes” as a resident game bird. It
38 is the Commission’s understanding that all wild turkeys are of the order Galliformes, making the
39 reference to the order superfluous. The Commission also notes that existing Section 3683(a)(12),
40 which identifies those resident game birds that constitute upland game birds, refers only to “wild
41 turkeys.”

1 **The Commission invites comment on whether the proposed revision to proposed Section**
2 **665(k) is appropriate.**

3 **§ 670. “Restricted access”**

4 670. “Restricted access,” with regard to a marine fishery, means a fishery in
5 which the number of persons who may participate, or the number of vessels that
6 may be used in taking a specified species of fish, or the catch allocated to each
7 fishery participant, is limited by statute or regulation.

8 **Comment.** Section 670 generalizes former Fish and Game Code Section 99.


9  **Note.** Existing Fish and Game Code Section 99 (which would be continued by proposed
10 Section 670) provides a definition of the term “restricted access” with regard to a marine fishery,
11 for purposes of existing Section 1700, provisions contained in Division 6 (commencing with
12 Section 5500) of the existing code, and all regulations adopted pursuant to those provisions. See
13 existing Section 90.

14 **The Commission invites comment on whether it would be problematic to generalize the**
15 **definition so that it applies code-wide.**

16 **§ 675. “Round haul net”**

17 675. “Round haul net” means a circle seine, and includes a purse seine, ring net,
18 half ring net, and lampara net.

19 **Comment.** Section 675 generalizes former Fish and Game Code Section 8750.

20  **Note.** Existing Fish and Game Code Section 8750 (which would be continued by proposed
21 Section 675) provides a definition of the term “round haul net,” for purposes of the article in
22 which that section appears. However, the term is used without a corresponding definition
23 elsewhere in the existing code. See existing Fish and Game Code § 2362.

24 **The Commission invites comment on whether it would be problematic to generalize the**
25 **definition so that it applies code-wide.**

26 **§ 680. “Sell”**


27 680. “Sell” includes offer or possess for sale, barter, exchange, or trade.

28 **Comment.** Section 680 continues former Fish and Game Code Section 75 without change.

29 **§ 685. “Set line”**

30 685. “Set line” means a line used to take fish that is anchored to the bottom on
31 each end and is not free to drift with the tide or current.

32 **Comment.** Section 685 combines and generalizes the parts of former Fish and Game Code
33 Section 8601 and the second sentence of former Fish and Game Code Section 9029.5 applicable
34 to set lines.

35  **Note.** Existing Fish and Game Code Section 8601 (which would be continued by proposed
36 Section 685) provides a definition of the term “set line,” but limited to the statutory part in which
37 that section appears. See existing Section 7600. Existing Fish and Game Code Section 9029.5
38 provides the same definition, solely for purposes of that section. However, the term is used
39 without a corresponding definition elsewhere in the existing code. See existing Fish and Game
40 Code § 3005.

41 **The Commission invites comment on whether it would be problematic to generalize the**
42 **definition so that it applies code-wide.**

1 § 690. “Set net”

2 690. (a) “Set net” means either of the following:

3 (1) A net used to take fish that is anchored to the bottom on each end and is not
4 free to drift with the tide or current.

5 (2) A net placed so that it will catch or impound fish within a bight, bay, or
6 estuary, or against the shore upon the receding of the tide.


7 (b) Notwithstanding subdivision (a), the following nets are not set nets:

8 (1) A fyke net.

9 (2) A shrimp net.

10 (3) A crab net.

11 **Comment.** Section 690 generalizes the part of former Fish and Game Code Section 8601
12 applicable to set nets.

13  **Note.** Existing Fish and Game Code Section 8601 (which would be continued by proposed
14 Section 690) provides a definition of the term “set net,” but limited to the statutory part in which
15 that section appears. See existing Section 7600.

16 **The Commission invites comment on whether it would be problematic to generalize the**
17 **definition so that it applies code-wide.**

18 § 695. “Signature” or “subscription”

19 695. “Signature” or “subscription” includes mark when the signer or subscriber
20 cannot write, such signer’s or subscriber’s name being written near the mark by a
21 witness who writes his own name near the signer’s or subscriber’s name; but a
22 signature or subscription by mark can be acknowledged or can serve as a signature
23 or subscription to a sworn statement only when two witnesses also sign their own
24 names.

25 **Comment.** Section 695 continues former Fish and Game Code Section 81 without substantive
26 change.

27 § 700. “Slurp gun”

28 700. “Slurp gun” means a self-contained, hand-held device used to capture fish
29 by rapidly drawing water containing fish into a closed chamber.

30 **Comment.** Section 700 continues former Fish and Game Code Section 82 without change.

31 § 705. “Spike buck”

32 705. “Spike buck” means a male deer with unbranched antlers on both sides that
33 are more than three inches in length.

34 **Comment.** Section 705 continues the third sentence of former Fish and Game Code Section
35 200(b)(2) without change.

36 § 710. “Spiny lobster”

37 710. “Spiny lobster” refers to the species *Panulirus interruptus*.

38 **Comment.** Section 710 continues former Fish and Game Code Section 8250 without change.

1 § 715. “Sport fishing”

2 715. “Sport fishing” means the take of a fish, amphibian, or reptile, for a
3 purpose other than profit.

4 **Comment.** Section 715 is new, and added for drafting convenience. It is consistent with former
5 usage. See, e.g., former Fish and Game Code §§ 7145, 7149.05, 7149.2, 7150, 7151, 7180.1.

6 **Notes.** (1) The definition of the term “sport fishing” that proposed Section 715 would add
7 states the activity for which existing law generally requires the issuance of a “sport fishing”
8 license.

9 **The Commission invites comment on whether the addition of this definition to the**
10 **proposed law, or the substitution of the defined term in provisions of the proposed law for**
11 **the activity described in the provision, would be problematic. See, e.g., proposed Sections**
12 **1750, 5100, 8125, 12150, 12850, 12905.**

13 (2) It may appear somewhat counterintuitive that sport fishing would include the take of a
14 reptile. However, as indicated in the Comment to proposed Section 715, that inclusion is clearly
15 consistent with existing law. Moreover, the take of reptiles is so heavily integrated in the sport
16 fishing provisions of the existing code that an attempt to separate and distinguish treatment of
17 reptiles in the proposed law would likely be more problematic. A significant number of
18 provisions would need to be duplicated, and each duplication would increase the risk of
19 fragmenting what may have been intended as a common regulatory scheme.

20 To minimize any confusion, proposed Division 13 of the proposed law (a division that will
21 relate to reptiles), will cross-reference this definition and Part 5 (“Sport Fishing”) of Division 6 of
22 the proposed law.

23 § 720. “Spotted fawn”

24 720. “Spotted fawn” means a deer one year of age or less that has spotted
25 pelage.

26 **Comment.** Section 720 continues the second sentence of former Fish and Game Code Section
27 200(b)(2) without change.

28 § 725. “Spouse”

29 725. “Spouse” includes “registered domestic partner,” as required by Section
30 297.5 of the Family Code.

31 **Comment.** Section 725 continues former Fish and Game Code Section 9.2 without change.

32 § 730. “Stamp”

33 730 “Stamp” includes an electronic validation of privileges issued to the
34 licensee.

35 **Comment.** Section 730 generalizes former Fish and Game Code Section 7700(d).

36 **Note.** Existing Fish and Game Code Section 7700(d) (which would be continued by proposed
37 Section 730) provides a definition of the term “stamp,” for purposes of the chapter in which that
38 section appears. However, the term is used without a corresponding definition elsewhere in the
39 existing code. See, e.g., existing Fish and Game Code §§ 1572, 1573, 3031.2, 5522, 7090, 7149.2,
40 7380, 7852.1, 7852.2, 7857, 12003.5.

41 **The Commission invites comment on whether it would be problematic to generalize the**
42 **definition so that it applies code-wide.**

1 § 735. “State”

2 735. “State” means the State of California, unless applied to the different parts
3 of the United States. In the latter case, it includes the District of Columbia and the
4 territories.

5 **Comment.** Section 735 continues former Fish and Game Code Section 83 without change.

6 § 740. “State waters”

7 740. “State waters” means “waters of the state,” as defined in Section 790.

8 **Comment.** Section 740 continues a part of former Fish and Game Code Section 89.1 without
9 change.

10 § 745. “Stock”

11 745. “Stock” means “population,” as defined in Section 625.

12 **Comment.** Section 745 generalizes a part of former Fish and Game Code Section 98.5.

13 **Note.** Existing Fish and Game Code Section 98.5 (which would be continued by proposed
14 Section 745) provides a definition of the term “stock” for purposes of existing Section 1700,
15 provisions contained in Division 6 (commencing with Section 5500) of the existing code, and all
16 regulations adopted pursuant to those provisions. See existing Section 90. However, the term is
17 used without a corresponding definition elsewhere in the existing code. See, e.g., existing Fish
18 and Game Code §§ 1907, 15300, 15512.

19 **The Commission invites comment on whether it would be problematic to generalize the**
20 **definition so that it applies code-wide.**

21 § 750. “Sustainable,” “sustainable use,” and “sustainability”

22 750. “Sustainable,” “sustainable use,” and “sustainability,” with regard to a
23 marine fishery, mean both of the following:

24 (a) Continuous replacement of resources, taking into account fluctuations in
25 abundance and environmental variability.

26 (b) Securing the fullest possible range of present and long-term economic,
27 social, and ecological benefits, maintaining biological diversity, and, in the case of
28 fishery management based on maximum sustainable yield, taking in a fishery that
29 does not exceed optimum yield.

30 **Comment.** Section 750 generalizes former Fish and Game Code Section 99.5.

31 **Note.** Existing Fish and Game Code Section 99.5 (which would be continued by proposed
32 Section 750) provides a definition of the terms “sustainable,” “sustainable use,” and
33 “sustainability” with regard to a marine fishery, for purposes of existing Section 1700, provisions
34 contained in Division 6 (commencing with Section 5500) of the existing code, and all regulations
35 adopted pursuant to those provisions. See existing Section 90. However, the term is used without
36 a corresponding definition elsewhere in the existing code. See, e.g., existing Fish and Game Code
37 §§ 363, 1726.1, 15008.

38 **The Commission invites comment on whether it would be problematic to generalize the**
39 **definition so that it applies code-wide.**

1 § 755. “Take”

2 755. “Take” means hunt, pursue, catch, capture, or kill, or attempt to hunt,
3 pursue, catch, capture, or kill.

4 **Comment.** Section 755 continues former Fish and Game Code Section 86 without change.

5 § 760. “Transport”

6 760. “Transport” includes offer or receive for transportation.

7 **Comment.** Section 760 continues former Fish and Game Code Section 88 without change.

8 § 765. “Trawl net”

9 765. “Trawl net” means a cone or funnel-shaped net that is towed or drawn
10 through the water by a fishing vessel, and includes any gear appurtenant to the net.

11 **Comment.** Section 765 generalizes the first sentence of former Fish and Game Code Section
12 8830.

13 **Note.** Existing Fish and Game Code Section 8830 (which would be continued by proposed
14 Section 765) provides a definition of the term “trawl net,” but limited to the statutory part in
15 which that section appears. See existing Section 7600.

16 **The Commission invites comment on whether it would be problematic to generalize the**
17 **definition so that it applies code-wide.**

18 § 770. “Troll line”

19 770. “Troll line” means a line with one or more hooks towed by a vessel
20 underway and making way.

21 **Comment.** Section 770 generalizes former Fish and Game Code Section 9025.5(b).

22 **Note.** Existing Fish and Game Code Section 9025.5(b) (which would be continued by
23 proposed Section 770) provides a definition of the term “troll line,” but limited to the statutory
24 part in which that section appears. See existing Section 7600.

25 **The Commission invites comment on whether it would be problematic to generalize the**
26 **definition so that it applies code-wide.**

27 § 775. “Upland game bird”

28 775. “Upland game bird” means any of the following birds:

29 (a) Band-tailed pigeon.

30 (b) California quail and varieties thereof.

31 (c) Dove of the genus *Streptopelia*, including, but not limited to, spotted dove,
32 ringed turtledove, and Eurasian collared dove.

33 (d) Gambel’s or desert quail.

34 (e) Hungarian partridge.

35 (f) Jacksnipe.

36 (g) Mountain quail and varieties thereof.

37 (h) Red-legged partridge including the chukar and other varieties.

38 (i) Ring-necked pheasant and varieties thereof.

39 (j) Ruffed grouse.

40 (k) Sage hen or sage grouse.

- 1 (l) Sooty or blue grouse.
- 2 (m) Western mourning dove.
- 3 (n) White-tailed ptarmigan.
- 4 (o) White-winged dove.
- 5 (p) Wild turkey.

6 **Comment.** Section 775 continues former Fish and Game Code Section 3683 without
7 substantive change.

8 **Notes.** (1) Existing Fish and Game Code Section 3683 separately lists the upland game birds
9 that are resident game birds, and those that are migratory game birds. Proposed Section 775
10 would list all upland game birds without indicating whether a listed bird was a resident or
11 migratory game bird.

12 **The Commission invites comment on whether that revision is appropriate.**

13 (2) Existing Fish and Game Code Section 3683(a)(8) identifies a white-tailed ptarmigan as a
14 resident game bird that is also an upland game bird. However, existing Section 3500, which
15 identifies resident game birds, does not list any ptarmigan as a resident game bird.

16 **The Commission invites comment on this apparent discrepancy, and the proper
17 classification of the white-tailed ptarmigan.**

18 **§ 780. “Vertical fishing line”**

19 780. “Vertical fishing line” means a fishing line that is anchored to the ocean
20 bottom at one end and attached at the other end on the surface to a fishing vessel
21 or a buoy.

22 **Comment.** Section 780 generalizes the part of the second sentence of former Fish and Game
23 Code Section 9029.5 applicable to a vertical fishing line.

24 **Note.** A part of existing Fish and Game Code Section 9029.5 (which would be continued by
25 proposed Section 780) provides a definition of the term “vertical fishing line,” for purposes of
26 what is referred to as the “subdivision” in which that provision appears. However, Section 9029.5
27 has no subdivisions.

28 **The Commission invites comment on whether it would be problematic to generalize the
29 definition so that it applies code-wide.**

30 **§ 785. “Vessel owner”**

31 785. (a) “Vessel owner,” or a reference to an owner of a vessel, means the
32 person or persons designated as the registered owner of a vessel, on a certificate of
33 documentation issued by the United States Coast Guard or on a copy of the vessel
34 registration issued by the vessel registration agency of the state where the owner is
35 a resident.

36 (b) For purposes of this section, the vessel registration agency in California is
37 the Department of Motor Vehicles.

38 **Comment.** Section 785 restates and generalizes former Fish and Game Code Section 7601.

39 **Notes.** (1) Proposed Section 785(a) is intended to restate the first sentence of proposed
40 Section 7601 to clarify the meaning of that sentence, without changing its substantive effect. The
41 existing sentence reads as follows:

42 “‘Owner’ or ‘vessel owner’ means the person or persons designated as the registered owner of
43 a vessel on a certificate of documentation issued by the United States Coast Guard or on a copy of

1 the vessel registration issued by the vessel registration agency of the state where the owner is a
2 resident.”

3 **The Commission invites comment on whether the proposed restatement would cause any**
4 **substantive change in the meaning of the provision.**

5 (2) Existing Section 7601 provides a definition of the terms “vessel owner” and “owner,” but
6 limited to the statutory part in which that section appears. See existing Section 7600. However,
7 the term is used without a corresponding definition elsewhere in the existing code. See existing
8 Fish and Game Code §§ 1012, 6596.1, 7147.

9 **The Commission invites comment on the proposed revision of the definition, and whether**
10 **it would be problematic to generalize the definition so that it applies code-wide.**

11 **§ 790. “Waters of the state,” “waters of this state”**

12 790. “Waters of the state” or “waters of this state” have the same meaning as
13 “waters of the state” as defined in subdivision (e) of Section 13050 of the Water
14 Code.

15 **Comment.** Section 790 continues a part of former Fish and Game Code Section 89.1 without
16 change. See also Section 740 (“state waters”).

17 **§ 795. “Week”**

18 795. “Week” means calendar week.

19 **Comment.** Section 795 continues the second clause of former Fish and Game Code Section 35
20 without change.

21 **§ 800. “Wildlife”**

22 800. “Wildlife” means and includes all wild animals, birds, plants, fish,
23 amphibians, reptiles, and related ecological communities, including the habitat
24 upon which the wildlife depends for its continued viability.

25 **Comment.** Section 800 continues former Fish and Game Code Section 89.5 without change.

26 **DIVISION 2. ADMINISTRATION**

27 **PART 1. FISH AND GAME COMMISSION**

28 **TITLE 1. ORGANIZATION**

29 **§ 900. Fish and Game Commission**

30 900. There is in the Resources Agency the Fish and Game Commission created
31 by Section 20 of Article IV of the Constitution.

32 **Comment.** Section 900 continues former Fish and Game Code Section 101 without change.

33 **Note.** For ease of reference, Section 20 of Article IV of the California Constitution is set out
34 below:

35 “20. (a) The Legislature may provide for division of the State into fish and game districts and
36 may protect fish and game in districts or parts of districts.”

1 (b) There is a Fish and Game Commission of 5 members appointed by the Governor and
2 approved by the Senate, a majority of the membership concurring, for 6-year terms and until their
3 successors are appointed and qualified. Appointment to fill a vacancy is for the unexpired portion
4 of the term. The Legislature may delegate to the commission such powers relating to the
5 protection and propagation of fish and game as the Legislature sees fit. A member of the
6 commission may be removed by concurrent resolution adopted by each house, a majority of the
7 membership concurring.”

8 **§ 905. Findings and declarations**

9 905. (a) The Legislature finds and declares that the scope and responsibilities of
10 the commission have significantly expanded over the years as the size and
11 diversity of California’s population have increased, and as the scientific
12 knowledge of the habitat conservation and ecosystem-based management needs of
13 wildlife has expanded. The members of the commission are expected to make
14 complex public policy and biological decisions on behalf of the people of
15 California. The commission is created by the California Constitution, which does
16 not include any criteria or qualifications for selection and appointment of
17 commissioners.

18 (b) It is therefore the intent of the Legislature to encourage the Governor and the
19 Senate Committee on Rules to consider the following minimum qualifications in
20 selecting, appointing, and confirming commissioners to serve on the commission:

21 (1) The degree to which the appointee will enhance the diversity of background
22 and geographic representation of the commission.

23 (2) The appointee’s demonstrated interest and background in, and familiarity
24 with, wildlife and natural resources management programs at the state or federal
25 level.

26 (3) The appointee’s previous experience in public policy decisionmaking,
27 including government processes involving public participation.

28 (4) The appointee’s commitment to prepare for and attend meetings and
29 subcommittee meetings of the commission and to comply with all applicable state
30 conflict-of-interest laws.

31 (5) The extent of the appointee’s exposure to and experience with the basic
32 science underpinning the management of living natural resources.

33 (6) The appointee’s diversity of knowledge of natural resource issues and related
34 scientific disciplines, including, but not limited to, outdoor recreation.

35 **Comment.** Section 905 continues former Fish and Game Code Section 101.5 without change.

36 **§ 910. Officers**

37 910. (a) The commissioners shall annually elect one of their number as president
38 and one as vice president, by a concurrent vote of at least three commissioners.

39 (b) No president or vice president shall serve more than two consecutive years.

40 (c) The president or vice president may be removed from the position of
41 president or vice president by a vote, at any time, of at least three commissioners.

1 (d) In the event of a vacancy in either the position of president or vice president,
2 the commission shall fill that vacancy at the next regularly scheduled meeting of
3 the commission. The elected successor president or vice president shall serve for
4 the unexpired term of the predecessor until the annual election pursuant to
5 subdivision (a).

6 (e) Except as provided in subdivision (b), the commission may not adopt or
7 enforce a policy or a regulation that provides for the president and vice president
8 to be chosen by seniority nor may the commission adopt or enforce any other
9 policy or regulation that would make a commissioner ineligible to be elected as
10 president or vice president of the commission.

11 **Comment.** Section 910 continues former Fish and Game Code Section 102 without change.

12 **§ 915. Compensation and expenses**

13 915. (a) Each of the commissioners shall receive one hundred dollars (\$100) for
14 each day of actual service performed in carrying out his or her official duties
15 pursuant to law, but the amount of this compensation shall not exceed for any one
16 commissioner the sum of five hundred dollars (\$500) for any one calendar month.
17 In addition to this compensation, the commissioners shall receive their actual and
18 necessary expenses incurred in the performance of their duties.

19 (b) The compensation and expenses provided in this section shall be paid out of
20 the Fish and Game Preservation Fund.

21 **Comment.** Section 915 continues former Fish and Game Code Section 103 without change.

22 **§ 920. Meetings**

23 920. (a) The commission shall hold no fewer than eight regular meetings per
24 calendar year, if the commission has adequate funding for related travel, including
25 funding for department travel. The commission may also hold special meetings or
26 hearings to receive additional input from the department and the public.

27 (b) The commission shall announce the dates and locations of meetings for the
28 year by January 1 of that year, or 60 days prior to the first meeting, whichever
29 comes first. Meeting locations shall be accessible to the public and located
30 throughout the state. To the extent feasible, meetings shall be held in state
31 facilities. In setting the dates and locations for regular meetings, the commission
32 shall also consider the following factors:

33 (1) Recommendations of the department.

34 (2) Opening and closing dates of fishing and hunting seasons.

35 (3) The schedules of other state and federal regulatory agencies whose
36 regulations affect the management of fish and wildlife of this state.

37 (c) The commission shall cause the notice of the schedule for regular meetings,
38 and notice of any change in the date and location of a meeting, to be disseminated
39 to the public in a manner that will result in broad dissemination and that complies
40 with the Administrative Procedure Act (Chapter 3.5 (commencing with Section
41 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

1 **Comment.** Section 920 continues former Fish and Game Code Section 110 without change.

2 **§ 925. Marine resources committee**

3 925. The commission shall form a marine resources committee from its
4 membership consisting of at least one commissioner. The committee shall report
5 to the commission from time to time on its activities and shall make
6 recommendations on all marine resource matters considered by the commission.
7 The committee or its designee shall, to the extent practicable, attend meetings of
8 the department staff, including meetings of the department staff with interested
9 parties, in which significant marine living resource management documents are
10 being developed.

11 **Comment.** Section 925 continues former Fish and Game Code Section 105 without change.

12 **§ 930. Wildlife resources committee**

13 930. The commission shall form a wildlife resources committee from its
14 membership consisting of at least one commissioner. The committee shall report
15 to the commission from time to time on its activities and shall make
16 recommendations on all nonmarine resource matters considered by the
17 commission. The committee or its designee shall, to the extent practicable, attend
18 meetings of the department staff, including meetings of the department staff with
19 interested parties, in which significant wildlife resource management documents
20 are being developed.

21 **Comment.** Section 930 continues former Fish and Game Code Section 106 without change.

22 **§ 935. Commission staff**

23 935. The commission may employ a staff, including an executive director, to
24 assist the commission in conducting its operations, but neither the commission nor
25 its staff shall have or be given any powers in relation to the administration of the
26 department.

27 **Comment.** Section 935 continues former Section 104 without change.

28 **§ 940. Code of conduct**

29 940. The commission shall adopt a code of conduct that requires, at a minimum,
30 that a commissioner adhere to the following principles:

31 (a) A commissioner shall faithfully discharge the duties, responsibilities, and
32 quasi-judicial actions of the commission.

33 (b) A commissioner shall conduct his or her affairs in the public's best interest,
34 following principles of fundamental fairness and due process of law.

35 (c) A commissioner shall conduct his or her affairs in an open, objective, and
36 impartial manner, free of undue influence and the abuse of power and authority.

37 (d) A commissioner understands that California's wildlife and natural resources
38 programs require public awareness, understanding, and support of, and
39 participation and confidence in, the commission and its practices and procedures.

1 (e) A commissioner shall preserve the public’s welfare and the integrity of the
2 commission, and act to maintain the public’s trust in the commission and the
3 implementation of its regulations and policies.

4 (f) A commissioner shall not conduct himself or herself in a manner that reflects
5 discredit upon state laws or policies, regulations, and principles of the
6 commission.

7 (g) A commissioner shall not make, participate in making, or in any other way
8 attempt to use his or her official position to influence a commission decision in
9 which the member has a financial interest.

10 **Comment.** Section 940 continues former Fish and Game Code Section 107 without change.

11 TITLE 2. POWERS AND DUTIES

12 CHAPTER 1. REGULATION OF TAKE AND POSSESSION GENERALLY

13 Article 1. Authority

14 § 1000. General authority

15 1000. (a) There is hereby delegated to the commission the power to regulate the
16 taking or possession of birds, mammals, fish, amphibians, and reptiles.

17 (b) No power is delegated to the commission by this section to regulate either of
18 the following:

19 (1) The taking, possessing, processing, or use of fish, amphibians, kelp, or other
20 aquatic plants for commercial purposes.

21 (2) The taking or possession of a spike buck or spotted fawn.

22 (c) This section and any regulations adopted pursuant to this section have no
23 effect on any provision of this code or any regulation adopted pursuant to this code
24 that relates to a matter described in paragraph (1) of subdivision (b).

25 **Comment.** Section 1000 continues former Fish and Game Code Section 200, other than the
26 second and third sentences of paragraph (2) of subdivision (b), without change.

27 § 1005. Limitations on authority

28 1005. Nothing in this article confers upon the commission any power to regulate
29 any natural resources or commercial or other activity connected therewith, except
30 as specifically provided.

31 **Comment.** Section 1005 continues former Fish and Game Code Section 201 without change.

32 § 1010. Birds and mammals

33 1010. Any regulation of the commission adopted pursuant to this chapter
34 relating to resident game birds, game mammals and furbearing mammals may
35 apply to all or any areas, districts, or portions of those areas or districts, at the

1 discretion of the commission, and may do any or all of the following as to any or
2 all species or subspecies:

- 3 (a) Establish, extend, shorten, or abolish open seasons and closed seasons.
- 4 (b) Establish, change, or abolish bag limits and possession limits.
- 5 (c) Establish and change areas or territorial limits for their taking.
- 6 (d) Prescribe the manner and the means of taking.
- 7 (e) Establish, change, or abolish restrictions based upon sex, maturity, or other
8 physical distinctions.

9 **Comment.** Section 1010 continues former Fish and Game Code Section 203 without
10 substantive change.

11 **§ 1015. Fish, amphibians, and reptiles**

12 1015. Any regulation of the commission adopted pursuant to this chapter that
13 relates to fish, amphibians, and reptiles, may apply to all or any areas, districts, or
14 portion of those areas or districts, at the discretion of the commission, and may do
15 any or all of the following as to any or all species or subspecies:

- 16 (a) Establish, extend, shorten, or abolish open seasons and closed seasons.
- 17 (b) Establish, change, or abolish bag limits, possession limits, and size limits.
- 18 (c) Establish and change areas or territorial limits for their taking.
- 19 (d) Prescribe the manner and the means of taking.

20 **Comment.** Section 1015 continues former Fish and Game Code Section 205 without
21 substantive change.

22 **§ 1020. Factors to be considered**

23 1020. When adopting regulations pursuant to Section 1010 or 1015, the
24 commission shall consider populations, habitat, food supplies, the welfare of
25 individual animals, and other pertinent facts and testimony.

26 **Comment.** Section 1020 continues former Fish and Game Code Section 203.1 without
27 substantive change, except that the provision is also made applicable to regulations adopted under
28 former Fish and Game Code Section 205.

29 **§ 1025. Regulation that supersedes statute**

30 1025. (a) Any regulation adopted pursuant to this chapter may supersede any
31 section of this code designated by number in the regulation, but shall do so only to
32 the extent specifically provided in the regulation. A regulation that is adopted
33 pursuant to this section shall be valid only to the extent that it makes additions,
34 deletions, or changes to this code under one or both of the following
35 circumstances:

- 36 (1) The regulation is necessary for the protection of fish, wildlife, and other
37 natural resources under the jurisdiction of the commission.
- 38 (2) The commission determines that an emergency exists or will exist unless the
39 action is taken. An emergency exists if there is an immediate threat to the public
40 health, safety, and welfare, or to the population or habitat of any species.

1 (b) A regulation that is adopted pursuant to this section shall be supported by
2 written findings adopted by the commission at the time of the adoption of the
3 regulation setting forth the basis for the regulation.

4 (c) A regulation adopted pursuant to this section shall remain in effect for not
5 more than 12 months from its effective date.

6 **Comment.** Section 1025 continues former Fish and Game Code Section 219 without
7 substantive change.

8 Article 2. Procedure

9 **§ 1100. Application of article**

10 1100. (a) Except as provided in subdivision (b), this article applies to a
11 commission regulation that governs the take or possession of any bird, mammal,
12 fish, amphibian, or reptile.

13 (b) This article does not apply to a regulation governed by subdivision (b) of
14 Section 1000, or by Section 1005.

15 (c) Except as expressly provided, this article does not supersede any other
16 applicable law that governs the adoption, amendment, or repeal of a regulation.

17 **Comment.** Section 1100 continues former Fish and Game Code Section 250 without
18 substantive change.

19 **§ 1105. General rulemaking procedure**

20 1105. (a) When adopting, amending, or repealing a regulation governed by this
21 article, the commission shall conduct the following steps at separate public
22 meetings:

23 (1) Approve the submission of a notice of proposed action to the Office of
24 Administrative Law.

25 (2) Consider public comment on the proposed action. The department shall
26 participate in this process by reviewing and responding to all public comment.

27 (3) Make a final decision on the proposed action.

28 (b) The meetings required by this section may be regular or special meetings.

29 (c) The meetings required by this section shall be duly noticed to the public in
30 accordance with subdivision (c) of Section 920, and with the Administrative
31 Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of
32 Division 3 of Title 2 of the Government Code).

33 (d) Within 45 days after the commission makes a final decision to adopt, amend,
34 or repeal a regulation governed by this article, the department shall publish and
35 distribute the regulation to each county clerk, district attorney, and judge of the
36 superior court in the state.

37 **Comment.** Section 1105 continues former Fish and Game Code Section 255 without
38 substantive change.

1 **§ 1110. Distribution of regulations**

2 1110. (a) The commission and the department may do anything that is deemed
3 necessary and proper to publicize and distribute a regulation governed by this
4 article so that persons likely to be affected will be informed of them. The failure of
5 the commission to provide any notice of a regulation governed by this article,
6 beyond what is required by Chapter 3.5 (commencing with Section 11340) of Part
7 1 of Division 3 of Title 2 of the Government Code, does not impair the validity of
8 the regulation.

9 (b) Notwithstanding any other law, the commission and the department may
10 contract with private entities to print regulations governed by this article, and other
11 public information. The printing contract shall include criteria to ensure that the
12 public information provided in the publication is easy to reference, read, and
13 understand.

14 (c) Printing contracts authorized by this section for which no state funds are
15 expended are not subject to Chapter 2 (commencing with Section 10290) of Part 2
16 of Division 2 of the Public Contract Code, except for Article 2 (commencing with
17 Section 10295) of Chapter 2 of Part 2 of Division 2 of the Public Contract Code.

18 (d) Material printed pursuant to subdivision (b) that contains advertisements
19 shall meet all specifications prescribed by the department. The printed material
20 shall not contain advertisements for tobacco products, alcohol, firearms, and
21 devices prohibited pursuant to Section 32625 of the Penal Code, Article 2
22 (commencing with Section 30600) of Chapter 2 of Division 10 of Title 4 of Part 6
23 of the Penal Code, or any provision listed in Section 16590 of the Penal Code, or
24 firearms not authorized by the commission as a legal method of sport hunting,
25 political statements, solicitations for membership in organizations, or any other
26 statement, solicitation, or product advertisement that is in conflict with the
27 purposes for which the material is produced, as determined by the commission.

28 (e) Neither the department nor the commission shall contract with private
29 entities to print the materials described in subdivision (b) if the letting of those
30 contracts will result in the elimination of civil service positions.

31 (f) The department or the license agent may give a copy of the current applicable
32 published regulations governed by this article to each person issued a license, at
33 the time the license is issued.

34 **Comment.** Section 1110 continues former Fish and Game Code Section 260 without
35 substantive change.

36 **§ 1115. Exemption from time requirements**

37 1115. A regulation governed by this article is not subject to the time periods for
38 the adoption, amendment, or repeal of a regulation prescribed in Sections 11343.4,
39 11346.4, 11346.8, and 11347.1 of the Government Code.

40 **Comment.** Section 1115 continues former Fish and Game Code Section 265 without change.

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CHAPTER 4. INVESTIGATION AND ADJUDICATION

§ 1300. Authority to compel testimony and production of evidence

1300. The commission or any person appointed by it to conduct a hearing may, in any investigation or hearing, cause the deposition of witnesses, residing within or without the state, to be taken in the manner prescribed by law for deposition in civil actions in the superior courts of this state under Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure, and may compel the attendance of witnesses and the production of documents and papers.

Comment. Section 1300 continues the first sentence of former Fish and Game Code Section 309(a) without change.

§ 1305. Hearings governed by Administrative Procedures Act

1305. Any deliberation conducted by the commission, or conducted by any person appointed by the commission to conduct hearings, is deemed to be a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code or similar provision, within the meaning of paragraph (3) of subdivision (c) of Section 11126 of the Government Code.

Comment. Section 1305 continues former Fish and Game Code Section 309(b) without change.

PART 2. DEPARTMENT OF FISH AND WILDLIFE

TITLE 1. ORGANIZATION

§ 1500. Department of Fish and Wildlife

1500. (a) There is in the Natural Resources Agency a Department of Fish and Wildlife administered through the director.

(b) The Department of Fish and Wildlife shall succeed to, and is vested with, all the duties, powers, purposes, responsibilities, property, and jurisdiction previously vested in the Department of Fish and Game.

(c) Whenever the term “Department of Fish and Game” appears in a law, the term means the “Department of Fish and Wildlife.”

(d) No existing supplies, forms, insignias, signs, logos, uniforms, or emblems shall be destroyed or changed as a result of changing the name of the Department of Fish and Game to the Department of Fish and Wildlife, and those materials shall continue to be used until exhausted or unserviceable.

Comment. Section 1500 continues former Fish and Game Code Section 700 without change.

1 **§ 1505. Administration and enforcement of code**

2 1505. This code shall be administered and enforced through regulations adopted
3 only by the department, except as otherwise specifically provided by this code or
4 where this code requires the commission to adopt regulations.

5 **Comment.** Section 1505 continues former Fish and Game Code Section 702 without change.

6 **§ 1510. Commission sets general department policy**

7 1510. General policies for the conduct of the department shall be formulated by
8 the commission. The director shall be guided by those policies and shall be
9 responsible to the commission for the administration of the department in
10 accordance with those policies.

11 **Comment.** Section 1510 continues former Fish and Game Code Section 703(a) without
12 change.

13 **§ 1515. Director**

14 1515. The director shall be appointed by the Governor, and receive the annual
15 salary provided for by Chapter 6 (commencing at Section 11550) of Part 1 of
16 Division 3 of Title 2 of the Government Code.

17 **Comment.** Section 1515 continues former Section 701 without change.

18 **§ 1520. Deputy director**

19 1520. There shall be one deputy director of the department who shall be a civil
20 executive officer and shall be appointed by the Governor and serve at the pleasure
21 of the Governor. The compensation of the deputy director shall be fixed by the
22 director pursuant to law. The deputy director shall have duties as shall be assigned,
23 from time to time, by the director, and shall be responsible to the director for the
24 performance of those duties.

25 **Comment.** Section 1520 continues former Section 701.3 without substantive change.

26 **§ 1525. Director as appointing power for all department employees**

27 1525. (a) Notwithstanding any other provision of law, the director is the
28 appointing power of all employees within the department, and all employees in the
29 department are responsible to the director for the proper carrying out of the duties
30 and responsibilities of their respective positions.

31 (b) The changes made to subdivision (a) during the 2001-02 Regular Session of
32 the Legislature are declaratory of existing law.

33 **Comment.** Section 1525 continues former Section 704 without change.

34 **§ 1530. Incorporation of general law on state agencies**

35 1530. The provisions of Chapter 2 (commencing at Section 11150) of Part 1 of
36 Division 3 of Title 2 of the Government Code shall govern and apply to the
37 conduct of the department in every respect. Wherever in that chapter the term

1 “head of the department” or similar designation occurs, for the purposes of this
2 section it shall mean the director.

3 **Comment.** Section 1530 continues former Fish and Game Code Section 706 without change.

4 TITLE 2. DEPARTMENT EMPLOYEES

5 § 1600. Appointment of employees

6 1600. The director shall, from time to time, employ or appoint, with or without
7 pay, those deputies, clerks, assistants, and other employees as the department may
8 need to discharge in proper manner the duties imposed upon it by law.

9 **Comment.** Section 1600 continues former Section 850 without substantive change.

10 § 1605. Legal defense of officers and deputies

11 1605. (a) It is the duty of the attorney for the department to act as counsel in
12 defense of any officer or deputy of the department, in any suit for damages
13 brought against the officer or deputy, on account of injuries to persons or property
14 alleged to have been received as a result of the negligence or misconduct of the
15 officer or deputy, occurring while the officer or deputy was performing official
16 duties.

17 (b) For purposes of this section, “person” includes any individual, firm,
18 association, organization, partnership, business, trust, corporation, limited liability
19 company, company, district, city, county, city and county, town, the state, and any
20 of the agencies of those entities.

21 **Comment.** Subdivision (a) of Section 1605 continues former Fish and Game Code Section 707
22 without substantive change.

23 Subdivision (b) continues former Fish and Game Code Section 711.2(b) without change.

24 **Note.** Subdivision (b) of proposed Section 1605 is added to preserve the existing application
25 of a special definition of the word “person.” See Fish and Game Code § 711.2(b). That definition
26 is broader than the general definition of the term. See Fish and Game Code § 67 (which would be
27 continued by proposed Section 620).

28 **The Commission invites comment on whether the broader definition of the term “person”**
29 **set out in existing Section 711.2(b) should be made applicable to proposed Section 1605.**

30 § 1610. Entry onto private land

31 1610. (a) Notwithstanding any provision of law, the status of a person as an
32 employee, agent, or licensee of the department does not confer upon that person a
33 special right or privilege to knowingly enter private land without the consent of
34 the owner, a search warrant, or an inspection warrant.

35 (b) Subdivision (a) does not apply to employees, agents, or licensees of the
36 department in the event of an emergency. For purposes of this section,
37 “emergency” means a sudden, unexpected occurrence, involving a clear and
38 imminent danger demanding immediate action to prevent or mitigate loss of, or
39 damage to, wildlife, wildlife resources, or wildlife habitat.

1 (c) Subdivision (a) does not apply to a sworn peace officer authorized pursuant
2 to subdivision (e) of Section 830.2 of the Penal Code or, if necessary for law
3 enforcement purposes, to other departmental personnel accompanying a sworn
4 peace officer. Subdivision (a) shall not be construed to define or alter any
5 authority conferred on those peace officers by any other law or court decision.

6 (d) Subdivision (a) does not apply to, or interfere with, the authority of
7 employees or licensees to enter and inspect land in conformance with Section
8 4604 of the Public Resources Code.

9 (e) This section is not intended to expand or constrain the authority, if any, of
10 employees, agents, or licensees of the department to enter private land to conduct
11 inspections pursuant to Section 21615 of this code or Section 8670.5, 8670.7, or
12 8670.10 of the Government Code.

13 (f) If the department conducts a survey or evaluation of private land that results
14 in the preparation of a document or report, the department shall, upon request and
15 without undue delay, provide either a copy of the report or a written explanation of
16 the department's legal authority for denying the request. The department may
17 charge a fee for each copy, not to exceed the direct costs of duplication.

18 **Comment.** Section 1610 continues former Section 857 without substantive change.

19 **Note.** Existing Fish and Game Code Section 857(f) (which would be continued by proposed
20 Section 1610(f)) does not directly reference any entry onto private land authorized by
21 subdivisions (b) through (e) of the section. The Commission has two questions about the intended
22 application of this subdivision:

23 (a) Is subdivision (f) intended to apply only to a survey or evaluation of private land that occurs
24 as a result of an entry authorized under other provisions of Section 857?

25 (b) Is the subdivision intended to require the Department to provide a copy of the prepared
26 document or report referenced by the subdivision (or alternatively, a written explanation for not
27 doing so) to *any* requester, or only to the owner of the private land?

28 **The Commission invites comment on these questions.**

29 **§ 1615. Landowner complaint policy**

30 1615. The department, in cooperation with landowners and landowner
31 organizations, shall develop a statewide policy and procedure for recording and
32 processing landowner complaints regarding alleged misconduct by personnel of
33 the department and a written protocol that ensures compliance with Section 1610.

34 **Comment.** Section 1615 continues former Section 858(a) without substantive change.

35 **TITLE 3. GENERAL POWERS AND DUTIES**

36 **§ 1700. Authority of department to take**

37 1700. Nothing in this code or any other law shall prohibit the department from
38 taking, for scientific, propagation, public health or safety, prevention or relief of
39 suffering, or law enforcement purposes, fish, amphibians, reptiles, mammals,
40 birds, and the nests and eggs thereof, or any other form of plant or animal life.

41 **Comment.** Section 1700 continues former Fish and Game Code Section 1001 without change.

1 **§ 1705. Capture and sale of birds and mammals**

2 1705. The department may capture and sell birds and mammals, at prices to be
3 fixed by the commission, to persons engaged in the domestication and sale thereof
4 in this state.

5 **Comment.** Section 1705 continues former Fish and Game Code Section 1004 without
6 substantive change.

7 **§ 1710. Importation, propagation, and distribution of birds, mammals, or fish**

8 1710. The department may import, propagate, and distribute birds, mammals,
9 and fish.

10 **Comment.** Section 1710 continues former Fish and Game Code Section 1007 without change.

11 **§ 1715. Inspection**

12 1715. The department may inspect the following:

13 (a) All boats, markets, stores and other buildings, except dwellings, and all
14 receptacles, except the clothing actually worn by a person at the time of
15 inspection, where birds, mammals, fish, reptiles, or amphibians may be stored,
16 placed, or held for sale or storage.

17 (b) All boxes and packages containing birds, mammals, fish, reptiles, or
18 amphibians that are held for transportation by any common carrier.

19 **Comment.** Section 1715 continues former Fish and Game Code Section 1006 without
20 substantive change.

21 **§ 1720. Investigation of disease**

22 1720. The department shall investigate all diseases of, and problems relating to,
23 birds, mammals, or fish, and establish and maintain laboratories to assist in such
24 investigation.

25 **Comment.** Section 1720 continues former Section 1008 without change.

26 **§ 1725. Environmental review of effect on salmon and steelhead**

27 1725. Whenever the department is required, or provided an opportunity, to
28 assess the adequacy of a project or to provide a detailed environmental impact
29 statement or similar document pursuant to Public Law 91-190 or Section 21100,
30 21101, or 21102 of the Public Resources Code, or any other provision of law, it
31 shall determine the extent to which salmon and steelhead resources will be
32 protected from damage by the project in question, together with the extent to
33 which the agency or person preparing the plans for such project has incorporated
34 therein plans for increasing the salmon or steelhead resources of this state. To the
35 fullest practicable extent, the department shall advise the commission at one of its
36 regular scheduled meetings of the state's comments on the project. In no event
37 shall more than one regular commission meeting transpire between the time the
38 department renders comments to the requesting person or agency and the time it
39 reports its findings to the commission.

1 **Comment.** Section 1725 continues former Fish and Game Code Section 1015 without change.

2 **§ 1730. Feeding animals**

3 1730. The department, in accordance with policies established by the
4 commission, may provide for the feeding of game birds, mammals, or fish when
5 natural foods are not available for that purpose, and may provide suitable area or
6 areas for that feeding, and may for those purposes expend money as is necessary
7 from the Fish and Game Preservation Fund.

8 **Comment.** Section 1730 continues former Fish and Game Code Section 1502 without
9 substantive change.

10 **Note.** The Commission invites comment on whether proposed Section 1730 should apply
11 to all birds, mammals and fish; only game birds, game mammals, and game fish; or some
12 other combination of categories.

13 **§ 1735. Recovery of isolated fish**

14 1735. The department or any person authorized by it may use any net or other
15 appliance in any district for the purpose of recovering fish from overflowed areas
16 or landlocked sloughs or ponds where they have been left isolated by receding
17 streams or floodwaters.

18 **Comment.** Section 1735 continues former Fish and Game Code Section 8605 without
19 substantive change.

20 **Note.** Existing Fish and Game Code Section 8605 is governed by existing Fish and Game
21 Code Section 7600, which by its terms limits the application of Section 8605 to commercial
22 fishing. That seems inapt, because Section 8605 has no obvious connection to commercial
23 fishing.

24 **Proposed Section 1735 (which would continue existing Section 8605) would not be subject**
25 **to the provisions of existing Section 7600.**

26 **§ 1740. Informal consultative procedures**

27 1740. (a) It is the policy of the state to anticipate and resolve potential conflicts
28 between the management, conservation, and protection of fish and wildlife
29 resources and their habitat and private and public activities that may affect them.

30 (b) Accordingly, the department may use any informal consultative procedures
31 prior to taking any formal action that will assist in the achievement of this policy.

32 (c) Any costs incurred by the department in engaging in informal consultative
33 procedures, including, but not limited to, fees charged by any neutral party acting
34 in the capacity of a mediator, discussion facilitator, or convener, are a proper
35 charge against any funds lawfully available to the department for this purpose.

36 (d) The authority conferred by this section is not intended, and shall not be
37 construed, to increase, decrease, duplicate, or supersede any other authority of the
38 department or the commission under this code or any other provision of law.

39 (e) As used in this section, “formal action” means any of the following:

40 (1) The adoption, amendment, or repeal of any rule, regulation, or order.

41 (2) Entering into, amending, or canceling an agreement.

1 (3) The issuance, suspension, or revocation of any permit, license, or other
2 entitlement.

3 **Comment.** Section 1740 continues former Section 1017 without substantive change.

4 **§ 1745. Biological research**

5 1745. The department shall expend funds necessary for biological research and
6 field investigation and for the collection and diffusion of statistics and information
7 that pertain to the conservation, propagation, protection, and perpetuation of birds
8 and their nests and eggs, and of mammals, reptiles, amphibians, and fish.

9 **Comment.** Section 1745 continues former Fish and Game Code Section 1000 without
10 substantive change.

11 **§ 1750. Educational displays**

12 1750. For the purpose of exhibiting fish and wildlife educational material at
13 fairs, hunting shows, or sport fishing shows and making other public displays, and
14 to make conservation educational materials on fish and wildlife available for any
15 public use, including fairs, hunting shows, sport fishing shows, schools, and civic
16 organizations, the department may:

17 (a) Accept on behalf of the state donations of money and services from any
18 person to defray any expenses that may be incurred by the department in
19 connection with those activities.

20 (b) Charge admissions or make a charge for the use of any departmental material
21 or exhibits to be used in a fair, hunting show, or sport fishing show, or by a civic
22 organization.

23 **Comment.** Section 1750 continues former Fish and Game Code Section 1005 without
24 substantive change.

25 **§ 1755. Gift of personal property from county**

26 1755. Notwithstanding Section 11005 of the Government Code, the department
27 may accept gifts of personal property if the donor is a county of the state and the
28 gift is purchased with fine money derived from fish and wildlife violations. The
29 department shall notify the Department of Finance 30 days in advance of
30 accepting these gifts.

31 **Comment.** Section 1755 continues former Fish and Game Code Section 1005.5 without
32 substantive change.

33 **TITLE 4. COORDINATION WITH OTHER ENTITIES**

34 **§ 1900. Service agreements**

35 1900. The department may enter into one or more agreements to accept services
36 from any person, nonprofit organization, or other public or private entity for
37 purposes relating to conservation programs, projects, and activities by the
38 department. Under the direction of the department, these services shall supplement

1 existing staff resources. Agreements for services for the management and
2 operation of department-managed lands shall be subject to the provisions of
3 Chapter 1 (commencing with Section 2000) of Title 5.

4 **Comment.** Section 1900 continues former Fish and Game Code Section 1226(b) without
5 substantive change.

6 **Note.** Existing Fish and Game Code Section 1226(b) contains a cross-reference to existing
7 Fish and Game Code Section 1745. In the proposed law, Section 1745 would be continued by
8 Chapter 1 (commencing with Section 2000) of Title 5 of Part 2 of Division 2. However that
9 proposed chapter would also contain a provision continuing existing Section 1745.1 (proposed
10 Section 2040).

11 As a result, the proposed revision of the cross-reference in existing Section 1226(b) would
12 mean that under the proposed law, the agreements for services for the management and operation
13 of department-managed lands referenced in that provision would also be “subject to” proposed
14 Section 2040, which provides:

15 “2040. (a) Notwithstanding any other provision of this code, the department may lease
16 department-managed lands for agricultural activities, including, but not limited to, grazing, where
17 consistent with the purpose for which the lands were acquired, and compatible with the
18 department’s approved management plan for the area, if available.

19 (b) The moneys collected from agricultural leases entered into pursuant to subdivision (a) shall
20 be deposited by the department into the Wildlife Restoration Fund and, upon appropriation by the
21 Legislature, may be used to support the management, maintenance, restoration, and operations of
22 department-managed lands.

23 **The Commission invites comment on whether the proposed revision of the cross-reference**
24 **in existing Section 1226(b), to include the provisions of proposed Section 2040, is**
25 **problematic.**

26 **§ 1905. Funding agreements**

27 1905. Notwithstanding any other law, the department may enter into one or
28 more agreements with any person, nonprofit organization, or other public or
29 private entity, as may be appropriate, to assist the department in its efforts to
30 secure long-term private funding sources for purposes relating to conservation
31 programs, projects, and activities by the department. The authority to enter into an
32 agreement under this section shall include, but not be limited to, the authority to
33 secure donations, memberships, corporate and individual sponsorships, and
34 marketing and licensing agreements.

35 **Comment.** Section 1905 continues former Section 1227 without change.

36 **§ 1910. Science institute**

37 1910. (a) The director, in consultation with the Natural Resources Agency, shall
38 establish a formal program, which may be called the Science Institute, to assist the
39 department and commission in obtaining independent scientific review and
40 recommendations to help inform the scientific work of the department and the
41 commission. The program shall include one or more ad hoc independent scientific
42 committees consisting of independent scientists who are scientific experts in their
43 fields with expertise in biological sciences and with a range of multidisciplinary
44 expertise pertinent to the work of the department and the commission, and which

1 may be convened pursuant to this section. The purpose of the program shall be to
2 assist the department and the commission in obtaining and establishing an
3 independent and objective view of the scientific issues underlying important
4 policy decisions.

5 (b) The objectives of the program shall include, but not necessarily be limited to,
6 the following:

7 (1) Providing independent scientific guidance of the scientific research,
8 monitoring, and assessment programs that support the department's and the
9 commission's work with fish and wildlife species and their habitats.

10 (2) Providing the best available independent scientific information and advice to
11 guide and inform department and commission decisions.

12 (3) Promoting and facilitating independent scientific peer review.

13 (4) Promoting science-based adaptive management.

14 (5) Ensuring scientific integrity and transparency in decisionmaking.

15 (c) The department may consult with members of the ad hoc scientific
16 committees to assist the department in identifying other independent scientific
17 experts with specialized expertise as needed for independent peer review of
18 department reports, including, but not limited to, status review reports prepared for
19 purposes of informing decisions on petitions for listing of species under the
20 California Endangered Species Act (**Chapter 1.5 (commencing with Section**
21 **2050) of Division 3**).

22 (d) The department shall consult with independent scientific advisors to develop
23 and revise as necessary a scientific integrity policy to guide the work of the
24 department and the commission. The scientific integrity policy may include, but is
25 not necessarily limited to, an ethical code of conduct for department scientists,
26 standards for independent peer review, and other best practices for ensuring
27 scientific integrity and public confidence in department and commission work
28 products and decisions.

29 (e) For marine fisheries and other marine resources, the department may utilize
30 the California Ocean Science Trust for the purposes of this section.

31 **Comment.** Section 1910 continues former Fish and Game Code Section 715 without
32 substantive change.

33 **§ 1915. Federal Water Pollution Control Act joint powers agreement**

34 1915. (a) The director or one or more of the director's designees may accept the
35 office of director or alternate director of an entity established by a joint powers
36 agreement providing for the establishment and conduct of an areawide waste
37 management planning process in accordance with the provisions of Section 208 of
38 the Federal Water Pollution Control Act.

39 (b) The office of director or alternate director of a joint powers entity established
40 pursuant to subdivision (a) is deemed compatible with the office of director of the
41 department, and with the office or employment of a person that the director
42 designates to serve that entity.

1 (c) For purposes of this section, “person” includes an individual, firm,
2 association, organization, partnership, business, trust, corporation, limited liability
3 company, company, district, city, county, city and county, town, the state, and any
4 of the agencies of those entities.

5 **Comment.** Subdivisions (a) and (b) of Section 1915 continue former Fish and Game Code
6 Section 701.5 without substantive change.

7 Subdivision (c) continues former Fish and Game Code Section 711.2(b) without substantive
8 change.

9 **Note.** Subdivision (c) of proposed Section 1915 is added to preserve the existing application
10 of a special definition of the word “person.” See Fish and Game Code § 711.2(b). That definition
11 is broader than the general definition of the term. See Fish and Game Code § 67 (which would be
12 continued by proposed Section 620).

13 **The Commission invites comment on whether the broader definition of the term “person”**
14 **set out in existing Section 711.2(b) should be made applicable to proposed Section 1915.**

15 TITLE 5. REAL PROPERTY

16 CHAPTER 1. USE OF DEPARTMENT-MANAGED LANDS

17 § 2000. Definitions

18 2000. For purposes of this chapter, the following terms have the following
19 meanings:

20 (a) “Department-managed lands” includes lands, or lands and water, acquired
21 for public shooting grounds, state marine (estuarine) recreational management
22 areas, ecological reserves, and wildlife management areas.

23 (b) “Nonconsumptive uses” means compatible uses other than hunting and
24 fishing.

25 **Comment.** Section 2000 continues former Fish and Game Code Section 1745(a) without
26 substantive change.

27 § 2005. Non-profit operation

28 2005. Department-managed lands shall be operated on a nonprofit basis by the
29 department.

30 **Comment.** Section 2005 continues former Fish and Game Code Section 1745(b)(1) without
31 change.

32 § 2010. Management and operation contracts

33 2010. (a) The department may enter into contracts or other agreements for the
34 management and operation of department-managed lands with nonprofit
35 conservation groups, recognized under Section 501(c) of the Internal Revenue
36 Code, or resource conservation districts, as described in Chapter 3 (commencing
37 with Section 9151) of Division 9 of the Public Resources Code.

38 (b) The contracts or other agreements authorized pursuant to this section are not
39 subject to Part 2 (commencing with Section 10100) of Division 2 of the Public

1 Contract Code or Article 6 (commencing with Section 999) of Chapter 6 of
2 Division 4 of the Military and Veterans Code.

3 (c) The contracts or other agreements authorized pursuant to this section shall
4 adhere to the goals and objectives included in an approved management plan and
5 shall be consistent with the purpose for which the lands were acquired and
6 managed by the department. Any changes to the management plan shall be subject
7 to public review and comment.

8 **Comment.** Section 2010 continues former Fish and Game Code Section 1745(b)(2) without
9 substantive change.

10 **§ 2015. Property uses**

11 2015. (a) Multiple recreational use of department-managed lands is desirable
12 and that use shall be encouraged by the commission. Except for hunting and
13 fishing purposes, only minimum facilities to permit other forms of multiple
14 recreational use, such as camping, picnicking, boating, or swimming, shall be
15 provided.

16 (b) Hunting, fishing, wildlife viewing, wildlife photography, conservation
17 education, and fish and wildlife research are priority uses compatible with
18 department-managed lands, except for ecological reserves where uses shall be
19 considered on an individual basis.

20 (c) Public uses of department-managed lands not described in subdivision (a) or
21 (b), or subdivision (b) of Section 2020, shall be authorized by regulations adopted
22 by the commission. The commission may require the purchase of a special use
23 permit for these other uses.

24 **Comment.** Section 2015 continues former Section 1745(c) and (d) without substantive change.

25 **§ 2020. Use fees and permits**

26 2020. (a) Except as provided in **Section 1765** and 2025, to defray the costs
27 associated with multiple use, the commission may determine and fix the amount
28 of, and the department shall collect, fees for any use privileges. Only persons
29 holding valid hunting licenses may apply for or obtain shooting permits for
30 department-managed lands.

31 (b) The department shall require the purchase of an entry permit for
32 nonconsumptive uses of department-managed lands, if the department finds that it
33 is practical and would be cost effective for the state to collect entry permit fees.

34 (c) The following shall apply if the department requires the purchase of an entry
35 permit pursuant to subdivision (b):

36 (1) The department shall require the purchase of an entry permit for
37 nonconsumptive uses of a department-managed land only if a sign providing
38 notice of the requirement has been posted at the department-managed land.

39 (2) To the extent feasible, the department shall allow nonconsumptive users to
40 purchase an entry permit onsite.

1 (3) The department shall use the Automated License Data System to sell an
2 entry permit.

3 (4) A nonconsumptive user shall have an entry permit in his or her immediate
4 possession while on department-managed lands.

5 **Comment.** Section 2020 continues former Fish and Game Code Section 1745(e)-(g) without
6 substantive change.

7 **§ 2025. Failure to obtain permit**

8 2025. Failure to obtain a permit as required pursuant to this chapter is an
9 infraction, punishable by a fine of not less than fifty dollars (\$50) nor more than
10 two hundred fifty dollars (\$250). A person in possession of a valid hunting license,
11 sport fishing license, or trapping license shall be exempt from a requirement to
12 obtain a permit.

13 **Comment.** Section 2025 restates former Fish and Game Code Section 1745(h) without
14 substantive change.

15 **Notes.** (1) The first sentence of proposed Section 2025 is intended to restate the first sentence
16 of existing Fish and Game Code Section 1745(h), to clarify the meaning of that provision,
17 without changing its substantive effect. The first sentence of Section 1745(h) provides that a
18 failure to obtain a permit as required pursuant to existing Section 1745 shall be an infraction “as
19 described in Section 12002.2.1.”

20 Section 12002.2.1 provides as follows:

21 “12002.2.1. (a) Notwithstanding any other provision of law, a violation of any of the following
22 is an infraction, punishable by a fine of not less than fifty dollars (\$50), or more than two hundred
23 fifty dollars (\$250), for a first offense:

24 (1) Subdivision (a) of Section 6596.1.

25 (2) Subdivision (a) of Section 7149.45.

26 (3) Subdivision (b) of Section 7180.1.

27 (4) Section 1.18 of Title 14 of the California Code of Regulations.

28 (b) If a person is convicted of a violation of any of the sections listed in subdivision (a) within
29 five years of a separate offense resulting in a conviction of a violation of any of those sections,
30 that person shall be punished by a fine of not less than one hundred dollars (\$100) or more than
31 five hundred dollars (\$500).”

32 (c) If a person convicted of a violation of any of the sections listed in subdivision (a) produces
33 in court the applicable sport fishing ocean enhancement stamp, sport fishing ocean enhancement
34 validation, second rod sport fishing stamp, second rod sport fishing validation, Colorado River
35 special use stamp, Colorado River special use validation, Bay-Delta Sport Fishing Enhancement
36 Stamp or Bay-Delta Sport Fishing Enhancement validation issued pursuant to this code and valid
37 at the time of the person’s arrest, and if the taking was otherwise lawful with respect to season,
38 limit, time, and area, the court may reduce the fine imposed for the violation to twenty-five
39 dollars (\$25).”

40 It is not entirely clear which parts of Section 12002.2.1 are intended to be incorporated by
41 Section 1745(h). Proposed Section 2025 would incorporate the penalty specified in Section
42 12002.2.1(a) for a first offense. Should it also include the language in Section 12002.2.1(a)
43 providing that the penalty for a first offense applies “notwithstanding any other provision of law?
44 Should proposed Section 2025 incorporate the penalty for a subsequent offense specified in
45 Section 12002.2.1(b)?

46 **The Commission invites comment on how best to continue the reference to Section**
47 **12002.2.1 in proposed Section 2025.**

48 (2) The second sentence of existing Section 1745(h) (which would be continued by the second

1 sentence of proposed section 2025) reads as follows:

2 “A person in possession of a valid hunting license, sport fishing license, or trapping license
3 shall be exempt from a requirement to obtain a permit.”

4 The word “permit” appears to refer to the “permit” referenced in the first sentence of Section
5 1745(h), which itself refers to a “permit as required pursuant to this section.” But “this section”
6 (Section 1745) expressly references requirements for “special use permits,” “shooting permits,”
7 and “entry permits.”

8 **The Commission invites comment on which permit or permits is intended to be within the**
9 **scope of the exemption specified in the second sentence of Section 1745(h).**

10 **§ 2030. Free access**

11 2030. The commission and department may continue to allow free access to a
12 department-managed land if the commission or department finds the best interests
13 of that area would be served by not fixing a fee for use privileges.

14 **Comment.** Section 2030 continues former Section 1745(j) without change.

15 **§ 2035. Use of funds**

16 2035. (a) Except as provided in Section 2040, the moneys generated pursuant to
17 this chapter shall be deposited in the Native Species Conservation and
18 Enhancement Account within the Fish and Game Preservation Fund, and shall be
19 available, upon appropriation by the Legislature, to the department for the
20 management and operation of its lands.

21 (b) To the extent that the department is able to identify the source of the fee
22 revenue collected, the department shall provide no less than 35 percent of the
23 funds generated pursuant to this section to the department-managed lands from
24 which the fee revenues were collected.

25 **Comment.** Section 2035 continues former Fish and Game Code Section 1745(i) without
26 substantive change.

27 **§ 2040. Leasing of department-managed lands**

28 2040. (a) Notwithstanding any other provision of this code, the department may
29 lease department-managed lands for agricultural activities, including, but not
30 limited to, grazing, where consistent with the purpose for which the lands were
31 acquired, and compatible with the department’s approved management plan for
32 the area, if available.

33 (b) The moneys collected from agricultural leases entered into pursuant to
34 subdivision (a) shall be deposited by the department into the Wildlife Restoration
35 Fund and, upon appropriation by the Legislature, may be used to support the
36 management, maintenance, restoration, and operations of department-managed
37 lands.

38 **Comment.** Section 2040 continues former Fish and Game Code Section 1745.1 without
39 change.

40 **Note.** Under existing law, Section 1745.1 is technically not subject to the definition of
41 “department-managed lands” provided in Section 1745, as per Section 1745(a) that definition

1 applies only for the purposes of that section. The proposed law would change that, as proposed
2 Section 2040 would now be governed by that definition, which would be continued in proposed
3 Section 2000(a).

4 **The Commission invites comment on whether making that definition of “department-**
5 **managed lands” expressly applicable to existing Section 1745.1 would cause any**
6 **problematic change in the meaning of that provision.**

7 CHAPTER 2. OTHER DUTIES AND AUTHORITY

8 **§ 2100. Management and listing of real property**

9 2100. (a) Subject to an appropriation of funds by the Legislature for that
10 purpose, for parcels wholly within its jurisdiction acquired on or after January 1,
11 2002, the department shall prepare draft management plans for public review
12 within 18 months of the recordation date.

13 (b)(1) On or before February 1 of each year, the department shall submit a list of
14 lands acquired during the previous two fiscal years and the status of the
15 management plans for each acquisition to the fiscal committees of each house of
16 the Legislature.

17 (2) Each fiscal committee in the Legislature shall consider the lists described in
18 paragraph (1) in its budget decisions for the department.

19 **Comment.** Section 2100 continues former Section 1019 without change.

20 **§ 2105. Rights of way**

21 2105. (a) The department may obtain for the state rights of way over private
22 lands for the purpose of furnishing access for the public to lands or waters open to
23 public hunting or fishing, whenever rights of way are determined by the
24 commission to be necessary for public use. The rights of way shall not be acquired
25 by eminent domain proceedings.

26 (b) The department may construct or cause to be constructed any fences, signs,
27 or other structures as are necessary for the protection of a right of way, and the
28 cost of the construction shall be met out of the funds available to the department.

29 **Comment.** Section 2105 continues former Fish and Game Code Section 1009 without
30 substantive change.

31 **§ 2110. Grazing permits**

32 2110. The department, by and with the approval of the Department of General
33 Services, may sell grazing permits or otherwise dispose of excess vegetation or
34 other products, produced on lands acquired by the department.

35 **Comment.** Section 2110 continues former Fish and Game Code Section 1010 without change.

1 TITLE 6. INSURANCE AND LIABILITY

2 § 2200. Insurance

3 2200. (a) The department may procure insurance for any of the following
4 purposes:

5 (1) For itself and landowners who agree to permit the department to use their
6 land as cooperative hunting, fishing, conservation or recreational areas, against
7 any liability resulting from the operation of those hunting, fishing, conservation or
8 recreational areas.

9 (2) For its employees or other persons authorized by the department to conduct
10 hunter education training courses against any public liability or property damage
11 resulting from that training.

12 (b) The cost of insurance procured pursuant to subdivision (a) shall be a proper
13 charge against and shall be paid out of the Fish and Game Preservation Fund.

14 **Comment.** Section 2200 continues former Fish and Game Code Section 1011 without change.

15 § 2205. Insurance relating to boarding of boats

16 2205. The department may procure insurance for its employees for injury or
17 death against the liability of the owner or operator of any vessel boarded by an
18 employee as an observer.

19 **Comment.** Section 2205 continues former Fish and Game Code Section 1012 without change.

20 § 2210. Indemnification relating to fish screen, ladder, weir, or trap

21 2210. In any lease, easement, or right-of-way in which the department leases
22 real property or obtains a grant of easement or right-of-way in real property for the
23 purpose of constructing, operating, or maintaining a fish screen, fish ladder,
24 fishweir, or fishtrap, the department may agree to indemnify and hold harmless the
25 lessor or grantor by reason of the uses of authorized by the lease, easement, or
26 right-of-way. Insurance may be purchased by the Department of General Services
27 to protect the department against loss or expense arising out of the lease,
28 easement, or right-of-way.

29 **Comment.** Section 2210 continues former Fish and Game Code Section 1013 without
30 substantive change.

31 TITLE 7. UNLAWFUL ACTS

32 § 2300. Submission of false or misleading information

33 2300. (a) It is unlawful to submit, or conspire to submit, any false, inaccurate, or
34 otherwise misleading information on any application or other document offered or
35 otherwise presented to the department for any purpose, including, but not limited
36 to, obtaining a license, tag, permit, or other privilege or entitlement pursuant to
37 this code or regulations adopted pursuant to this code.

1 (b) For purposes of this section, “department” includes any department
2 employee, license agent, or any person performing the duties of a department
3 employee or license agent.

4 **Comment.** Section 2300 continues former Fish and Game Code Section 1054(a) and (c)
5 without substantive change.

6 PART 3. DEPARTMENT AND COMMISSION

7 § 2400. General policy

8 2400. It is the policy of the state that the department and commission do all of
9 the following:

10 (a) Seek to create, foster, and actively participate in effective partnerships and
11 collaborations with other agencies and stakeholders to achieve shared goals and to
12 better integrate fish and wildlife resource conservation and management with the
13 natural resource management responsibilities of other agencies.

14 (b) Participate in interagency coordination processes that facilitate consistency
15 and efficiency in review of projects requiring multiple permits, including, but not
16 necessarily limited to, joint state, federal, and local permit review teams that
17 enable early consultation with project applicants, and provide improved sharing of
18 data, information, tools, and science to achieve better alignment of planning,
19 policies, and regulations across agencies.

20 **Comment.** Section 2400 continues former Fish and Game Code Section 703.5 without
21 substantive change.

22 § 2405. Strategic planning

23 2405. (a) The department and the commission shall develop a strategic plan to
24 implement proposals arising from any of the following:

25 (1) The strategic vision developed and submitted to the Governor and the
26 Legislature pursuant to Section 12805.3 of the Government Code.

27 (2) Any legislation enacted relating to the strategic vision process.

28 (3) The department’s own proposals for reform.

29 (b)(1) The department and the commission may contract for consultants to assist
30 in the preparation of the strategic plan pursuant to subdivision (a).

31 (2) Contracts entered into pursuant to paragraph (1) shall terminate no later than
32 December 31, 2015.

33 (3) Contracts entered into pursuant to paragraph (1) shall be exempt from Part 2
34 (commencing with Section 10100) of Division 2 of the Public Contract Code.

35 **Comment.** Section 2405 continues former Fish and Game Code Section 1020 without change.

36 § 2410. Resource management decisionmaking methods

37 2410. It is the policy of the state that the department and commission use
38 ecosystem-based management informed by credible science in all resource
39 management decisions to the extent feasible. It is further the policy of the state

1 that scientific professionals at the department and commission, and all resource
2 management decisions of the department and commission, be governed by a
3 scientific quality assurance and integrity policy, and follow well-established
4 standard protocols of the scientific profession, including, but not limited to, the
5 use of peer review, publication, and science review panels where appropriate.
6 Resource management decisions of the department and commission should also
7 incorporate adaptive management to the extent possible.

8 **Comment.** Section 2410 continues former Fish and Game Code Section 703.3 without change.

9 PART 4. DISTRICTS

10 § 2500. Fish and Wildlife Districts

11 2500. (a) For the protection of fish and wildlife, the state is divided into districts
12 to be known and designated as provided in this part.

13 (b) Unless otherwise provided, the townships and ranges specified in this part
14 are referred to the Mount Diablo base and meridian.

15 **Comment.** Section 2500 continues former Fish and Game Code Section 11000 without
16 substantive change.

17 § 2505. District 2505

18 2505. (a) The following constitutes Fish and Wildlife District 2505:

19 Those portions of the following counties not included in other districts: Shasta,
20 Tehama, Plumas, Butte, Sierra, Sutter, Yuba, Nevada, Placer, Sacramento,
21 Madera, Tulare; those portions of San Joaquin County lying east and north of the
22 east bank of the San Joaquin River and not included in District 2540; those
23 portions of Stanislaus and Merced Counties lying east of the west bank of the San
24 Joaquin River; those portions of Fresno County lying east of the west bank of
25 Fresno Slough, Fish Slough and Summit Lake; those portions of Kings County
26 lying east of the main power line of the San Joaquin Light and Power Company,
27 crossing the north line of Kings County in Section 4, T. 18 S., R. 19 E., southerly
28 to its crossing of State Highway No. 41 between Secs. 21 and 22, T. 21 S., R. 19
29 E., and east of State Highway No. 41 southerly to its intersection with State
30 Highway No. 33, and easterly of State Highway No. 33 from said intersection to
31 the south line of said county in Section 36, T. 24 S., R. 18 E.; those portions of
32 Kern County lying east of State Highway No. 33 between the northerly line of said
33 county in Section one (1), T. 25 S., R. 18 E., M. D. B. & M., and the City of Taft
34 and U. S. Highway No. 399 between the City of Taft and the City of Maricopa,
35 and lying north of State Highway No. 166 from the City of Maricopa easterly to
36 the intersection of said highway with U.S. Highway No. 99 in Section twelve (12),
37 T. 11 N., R. 20 W., S. B. B. & M., and lying east of U.S. Highway No. 99 from the
38 above-mentioned point of intersection to where the said U.S. highway crosses the
39 northern boundary line of Los Angeles County, not included in other districts.

1 (b) Any reference to “District 1” shall be construed as a reference to District
2 2505.

3 **Comment.** Subdivision (a) of Section 2505 continues former Fish and Game Code Section
4 11001 without substantive change.

5 Subdivision (b) is new.

6 **§ 2510. District 2510**

7 2510. (a) The following constitutes Fish and Wildlife District 2510:

8 Those portions of the following counties not included in other districts: Alpine,
9 El Dorado, Amador, Calaveras, Tuolumne and Mariposa.

10 (b) Except as otherwise provided, all of the provisions of this code relating to
11 District 2505 shall apply to District 2510.

12 (c) Any reference to “District 1 3/8” shall be construed as a reference to District
13 2510.

14 **Comment.** Subdivisions (a) and (b) of Section 2510 continue former Fish and Game Code
15 Section 11002 without substantive change.

16 Subdivision (c) is new.

17 **§ 2515. District 2515**

18 2515. (a) The following constitutes Fish and Wildlife District 2515:

19 Those portions of the Counties of Del Norte, Siskiyou, Trinity, and Humboldt
20 not included in other districts.

21 (b) Any reference to “District 1 1/2” shall be construed as a reference to District
22 2515.

23 **Comment.** Subdivision (a) of Section 2515 continues former Fish and Game Code Section
24 11003 without substantive change.

25 Subdivision (b) is new.

26 **§ 2520. District 2520**

27 2520. (a) The following constitutes Fish and Wildlife District 2520:

28 Those portions of the County of Modoc not included in other districts and that
29 portion of the County of Siskiyou lying east of the Weed-Klamath Falls Highway
30 between the north line of the County of Siskiyou and the Town of Weed and east
31 of the Pacific Highway between the Town of Weed and the junction of Pacific
32 Highway and the McCloud-Fall River Mills Highway and north and east of the
33 McCloud-Fall River Mills Highway to the Siskiyou and Shasta county line and
34 that part of Shasta County lying north and east of the McCloud-Fall River Mills
35 Highway to its junction with the road to Lake Britton at Dickson Flat and east of
36 that road through Burney Falls State Park to its junction with the Hat Creek-
37 Lassen Highway at the Redding-Alturas Highway and east of the Hat Creek-
38 Lassen Highway to Lassen Volcanic National Park and north and east to the north
39 and east boundary of Lassen Volcanic National Park to its junction with the
40 Lassen county line. That part of Lassen County north and east of the north and east
41 boundary of the Lassen Volcanic National Park to its junction with the north line

1 of District 2665 and east of the east boundary of District 2665 to its junction with
2 the Lassen-Plumas county line approximately one mile southeast of Coyote Peak
3 in Sec. 24, T. 28 N., R. 10 E. and north and west of the Plumas-Lassen county line
4 between the boundary of District 1915 and the Susanville-Taylorville road.

5 (b) Any reference to “District 1 3/4” shall be construed as a reference to District
6 2520.

7 **Comment.** Subdivision (a) of Section 2520 continues former Fish and Game Code Section
8 11004 without substantive change.

9 Subdivision (b) is new.

10 **§ 2525. District 2525**

11 2525. (a) The following constitutes Fish and Wildlife District 2525:

12 Those portions of the following counties not included in other districts:
13 Mendocino, Glenn, Colusa, Yolo, Solano, Napa, Sonoma, and Marin; that portion
14 of San Francisco Bay lying westerly of a line drawn from California Point to San
15 Quentin Point; that portion of San Francisco Bay lying westerly of a line drawn
16 from San Quentin Point to San Pedro Point, in Marin County; that portion of San
17 Pablo Bay lying westerly of a line drawn from San Pedro Point to the south side of
18 the mouth of Novato Creek; and that portion of San Pablo Bay lying northerly of a
19 line drawn due east from the south side of the mouth of Novato Creek to the
20 westerly shore of Mare Island.

21 (b) Any reference to “District 2” shall be construed as a reference to District
22 2525.

23 **Comment.** Subdivision (a) of Section 2525 continues former Fish and Game Code Section
24 11005 without substantive change.

25 Subdivision (b) is new.

26 **§ 2530. District 2530**

27 2530. (a) The following constitutes Fish and Wildlife District 2530:

28 Lake County and the waters of Clear Lake.

29 (b) Any reference in this code to Clear Lake refers to District 2530.

30 (c) Except as otherwise provided, all of the provisions of this code relating to
31 District 2525 apply to District 2530.

32 (d) Any reference to “District 2 1/4” shall be construed as a reference to District
33 2530.

34 **Comment.** Subdivisions (a) through (c) of Section 2530 continue former Fish and Game Code
35 Section 11006 without substantive change.

36 Subdivision (d) is new.

37 **§ 2535. District 2535**

38 2535. (a) The following constitutes Fish and Wildlife District 2535:

39 Those portions of T. 24 N., R. 18 and 19 W.; 23 N., R. 17 and 18 W.; 22 N., R.
40 17 and 18 W.; 21 N., R. 17 W., west of the summit of the divide between the
41 Pacific Ocean and the south fork of the Eel River.

1 All of T. 12, 13, 14, 15, 16, 17, 18 N., R. 16 W.; and T. 12, 13, 14, 15, 16, 17,
2 18, 19 and 20 N., R. 17 W., and T. 17 and 18 N., R. 18 W.

3 All being townships located in western Mendocino County.

4 (b) Any reference to “District 2 1/2” shall be construed as a reference to District
5 2535.

6 **Comment.** Subdivision (a) of Section 2535 continues former Fish and Game Code Section
7 11007 without substantive change.

8 Subdivision (b) is new.

9 **§ 2540. District 2540**

10 2540. (a) The following constitutes Fish and Wildlife District 2540:

11 Those portions of the following counties not included in other districts: San
12 Francisco, Contra Costa, Alameda, San Mateo, Santa Cruz, Santa Clara, San
13 Benito, Monterey, San Joaquin, Stanislaus, Merced, Fresno, and Kings.

14 (b) Any reference to “District 3” shall be construed as a reference to District
15 2540.

16 **Comment.** Subdivision (a) of Section 2540 continues former Fish and Game Code Section
17 11008 without substantive change.

18 Subdivision (b) is new.

19 **§ 2545. District 2545**

20 2545. (a) The following constitutes Fish and Wildlife District 2545:

21 Those portions of the following counties not included in other districts: San Luis
22 Obispo, Santa Barbara, Ventura, and Kern.

23 (b) Except as otherwise provided all of the provisions of this code applicable to
24 District 2540 apply to District 2545.

25 (c) Any reference to “District 3 1/2” shall be construed as a reference to District
26 2545.

27 **Comment.** Subdivisions (a) and (b) of Section 2545 continue former Fish and Game Code
28 Section 11009 without substantive change.

29 Subdivision (c) is new.

30 **§ 2550. District 2550**

31 2550. (a) The following constitutes Fish and Wildlife District 2550:

32 Those portions of the following counties not included in other districts: San
33 Bernardino, Riverside, and Orange.

34 (b) Any reference to “District 4” shall be construed as a reference to District
35 2550.

36 **Comment.** Subdivision (a) of Section 2550 continues former Fish and Game Code Section
37 11010 without substantive change.

38 Subdivision (b) is new.

39 **§ 2555. District 2555**

40 2555. (a) The following constitutes Fish and Wildlife District 2555:

41 All of Los Angeles County not included within other districts.

1 (b) Except as otherwise provided, all of the provisions of this code applicable to
2 District 2550 apply to District 2555.

3 (c) Any reference to “District 4 1/8” shall be construed as a reference to District
4 2555.

5 **Comment.** Subdivisions (a) and (b) of Section 2555 continue former Fish and Game Code
6 Section 11011 without substantive change.

7 Subdivision (c) is new.

8 **§ 2560. District 2560**

9 2560. (a) The following constitutes Fish and Wildlife District 2560:

10 Those portions of the Counties of Mono and Inyo not included in other districts.

11 (b) Any reference to “District 4 1/2” shall be construed as a reference to District
12 2560.

13 **Comment.** Subdivision (a) of Section 2560 continues former Fish and Game Code Section
14 11012 without substantive change.

15 Subdivision (b) is new.

16 **§ 2565. District 2565**

17 2565. (a) The following constitutes Fish and Wildlife District 2565:

18 Those portions of the Counties of San Diego and Imperial not included in other
19 districts.

20 (b) Any reference to “District 4 3/4” shall be construed as a reference to District
21 2565.

22 **Comment.** Subdivision (a) of Section 2565 continues former Fish and Game Code Section
23 11013 without substantive change.

24 Subdivision (b) is new.

25 **§ 2570. District 2570**

26 2570. (a) The following constitutes Fish and Wildlife District 2570:

27 The ocean waters and tidelands of the State to the high-water mark lying
28 between the northern boundary of this State and a line extending due west from
29 the west end of the north jetty at the entrance of Humboldt Bay, excluding all
30 sloughs, streams, and lagoons.

31 (b) Any reference to “District 6” shall be construed as a reference to District
32 2570.

33 **Comment.** Subdivision (a) of Section 2570 continues former Fish and Game Code Section
34 11014 without substantive change.

35 Subdivision (b) is new.

36 **§ 2575. District 2575**

37 2575. (a) The following constitutes Fish and Wildlife District 2575:

38 The ocean waters and tidelands of the State to high-water mark between a line
39 extending due west from the west end of the north jetty at the entrance of
40 Humboldt Bay and the southern boundary of Mendocino County, excluding the
41 ocean waters between the north and south jetties at the entrance of Humboldt Bay

1 from the westerly end of each of said jetties in the Pacific Ocean to their
2 respective aprons on the shores of Humboldt Bay, and also excluding all sloughs,
3 streams, and lagoons.

4 (b) Any reference to “District 7” shall be construed as a reference to District
5 2575.

6 **Comment.** Subdivision (a) of Section 2575 continues former Fish and Game Code Section
7 11015 without substantive change.

8 Subdivision (b) is new.

9 **§ 2580. District 2580**

10 2580. (a) The following constitutes Fish and Wildlife District 2580:

11 The waters and tidelands to high-water mark of Humboldt Bay lying north of a
12 straight line running east from the center of apron at the approach of the south
13 jetty at the entrance of Humboldt Bay to the east shore line of the bay, including
14 the entrance of Humboldt Bay not included in District 2575, and excluding all
15 rivers, streams, and sloughs emptying into the bay.

16 (b) Any reference to “District 8” shall be construed as a reference to District
17 2580.

18 **Comment.** Subdivision (a) of Section 2580 continues former Fish and Game Code Section
19 11016 without substantive change.

20 Subdivision (b) is new.

21 **§ 2585. District 2585**

22 2585. (a) The following constitutes Fish and Wildlife District 2585:

23 The waters and tidelands to high-water mark of Humboldt Bay lying south of a
24 straight line running east from the center of apron at the approach to the south jetty
25 at the entrance of Humboldt Bay to the east shore line of the bay, excluding all
26 rivers, streams, and sloughs emptying into the bay.

27 (b) Any reference to “District 9” shall be construed as a reference to District
28 2585.

29 **Comment.** Subdivision (a) of Section 2585 continues former Fish and Game Code Section
30 11017 without substantive change.

31 Subdivision (b) is new.

32 **§ 2590. District 2590**

33 2590. (a) The following constitutes Fish and Wildlife District 2590:

34 The ocean waters and the tidelands of the State to high-water mark lying
35 between the southern boundary of Mendocino County and a line extending west
36 from the Pigeon Point lighthouse in San Mateo County, including the waters of
37 Tomales Bay to a line drawn from the mouth of the unnamed creek approximately
38 1500 feet north of Tomasini Point southwesterly 218° magnetic to the mouth of
39 the unnamed creek at Shell Beach, and excluding Bodega Lagoon and all that
40 portion of Bolinas Bay lying inside of Bolinas bar, that portion of San Francisco
41 Bay lying east of a line drawn from Point Bonita to Point Lobos and all rivers,
42 streams, and lagoons.

1 (b) Any reference to “District 10” shall be construed as a reference to District
2 2590.

3 **Comment.** Subdivision (a) of Section 2590 continues former Fish and Game Code Section
4 11018 without substantive change.

5 Subdivision (b) is new.

6 **Note.** The second paragraph of existing Fish and Game Code Section 11018 reads as follows:
7 “The amendment of this section by the Legislature at the 1963 Regular Session has no effect on
8 the cultivation of oysters by persons licensed under Article 4 (commencing with Section 6480),
9 Chapter 5, Part 1, Division 6.”

10 The amendment referenced in this language changed the description of one of the geographical
11 areas that comprise existing Fish and Game District 10. See 1965 Cal. Stat. ch. 1487. The
12 statutory article referenced in the paragraph was repealed in 1971, and was not unambiguously
13 continued in any presently existing sections of the code. See 1971 Cal. Stat. ch. 347. The
14 cultivation of oysters is now more generally regulated under the aquaculture provisions of the
15 existing code, and pursuant to oyster leases. See existing Fish and Game Code Sections 15406.5,
16 15406.7.

17 The Commission believes the second paragraph of existing Section 11018 is now obsolete, and
18 would not be continued by proposed Section 2590.

19 **The Commission invites comment on the discontinuation of the second paragraph of**
20 **existing Section 11018 in the proposed law.**

21 **§ 2595. District 2595**

22 2595. (a) The following constitutes Fish and Wildlife District 2595:

23 The waters and tidelands of San Francisco Bay to high-water mark bounded as
24 follows: Beginning at the extreme westerly point of Point Bonita; thence in a
25 direct line to the extreme westerly point of Point Lobos; thence around the shore
26 line of San Francisco Bay to the foot of Powell Street; thence in a direct line
27 northwesterly to Peninsula Point, the most southerly extremity of Belvedere
28 Island; thence in a direct line westerly to the easternmost point of the ferry dock at
29 Sausalito; thence southerly and westerly around the shore of San Francisco Bay to
30 the point of beginning.

31 (b) Any reference to “District 11” shall be construed as a reference to District
32 2595.

33 **Comment.** Subdivision (a) of Section 2595 continues former Fish and Game Code Section
34 11019 without substantive change.

35 Subdivision (b) is new.

36 **§ 2600. District 2600**

37 2600. (a) The following constitutes Fish and Wildlife District 2600:

38 The waters and tidelands of San Francisco Bay to high-water mark not included
39 in Districts 2595 and 2605, the waters and tidelands to high-water mark of San
40 Leandro Bay, Oakland Creek or estuary, San Antonio Creek in Alameda County,
41 Raccoon Strait, San Pablo Bay, the Carquinez Strait to the Carquinez Bridge, and
42 all lands and waters included within the exterior boundaries of these districts and
43 excluding all tributary sloughs, creeks, bays, rivers, and overflowed areas not
44 specifically described herein.

1 (b) Any reference to “District 12” shall be construed as a reference to District
2 2600.

3 **Comment.** Subdivision (a) of Section 2600 continues former Fish and Game Code Section
4 11020 without substantive change.

5 Subdivision (b) is new.

6 **§ 2605. District 2605**

7 2605. (a) The following constitutes Fish and Wildlife District 2605:

8 The waters and tidelands to high-water mark of San Francisco Bay lying to the
9 south of a line drawn between the Ferry Building at the foot of Market Street in
10 San Francisco and the mouth of the Oakland Creek or estuary in Alameda County,
11 excluding all streams, sloughs, and lagoons.

12 (b) Any reference to “District 13” shall be construed as a reference to District
13 2605.

14 **Comment.** Subdivision (a) of Section 2605 continues former Fish and Game Code Section
15 11022 without substantive change.

16 Subdivision (b) is new.

17 **§ 2610. District 2610**

18 2610. (a) The following constitutes Fish and Wildlife District 2610:

19 The waters and tidelands to high-water mark of that portion of Monterey Bay
20 lying to the south of a line drawn 100° magnetic from the extreme northerly point
21 of Point Pinos in a straight line easterly to the eastern shore of Monterey Bay.

22 (b) Any reference to “District 16” shall be construed as a reference to District
23 2610.

24 **Comment.** Subdivision (a) of Section 2610 continues former Fish and Game Code Section
25 11024 without substantive change.

26 Subdivision (b) is new.

27 **§ 2615. District 2615**

28 2615. (a) The following constitutes Fish and Wildlife District 2615:

29 The waters and tidelands to high-water mark of Monterey Bay and the Pacific
30 Ocean, lying between a line extending west from Pigeon Point Lighthouse and a
31 line extending west from Yankee Point, Carmel Highlands in Monterey County,
32 excluding the areas included in District 2610, and excluding all rivers, creeks,
33 sloughs and lagoons emptying into the Pacific Ocean and Monterey Bay within the
34 boundaries thus defined.

35 (b) Any reference to “District 17” shall be construed as a reference to District
36 2615.

37 **Comment.** Subdivision (a) of Section 2615 continues former Fish and Game Code Section
38 11025 without substantive change.

39 Subdivision (b) is new.

40 **§ 2620. District 2620**

41 2620. (a) The following constitutes Fish and Wildlife District 2620:

1 The ocean waters of the State and tidelands to high-water mark not included in
2 other districts, lying between a line extending due west from Yankee Point,
3 Carmel Highlands, in Monterey County, and a line extending from Point Rincon
4 near or at the common boundaries between Santa Barbara and Ventura Counties
5 westerly through Richardson Rock, and excluding all rivers, streams, sloughs, and
6 lagoons.

7 (b) Any reference to “District 18” shall be construed as a reference to District
8 2620.

9 **Comment.** Subdivision (a) of Section 2620 continues former Fish and Game Code Section
10 11026 without substantive change.

11 Subdivision (b) is new.

12 **§ 2625. District 2625**

13 2625. (a) The following constitutes Fish and Wildlife District 2625:

14 The ocean waters of the State and tidelands to high-water mark, and islands off
15 the coast and waters adjacent thereto, lying southerly of Fish and Wildlife District
16 1870, and northerly of a westerly extension of the boundary line between the
17 Republic of Mexico and San Diego County, excepting Districts 2630, 2635, 2640,
18 2645, and 2650, and excluding all rivers, streams, sloughs, lagoons, and bays.

19 (b) Any reference to “District 19” shall be construed as a reference to District
20 2625.

21 **Comment.** Subdivision (a) of Section 2625 continues former Fish and Game Code Section
22 11027 without substantive change.

23 Subdivision (b) is new.

24 **§ 2630. District 2630**

25 2630. (a) The following constitutes Fish and Wildlife District 2630:

26 The ocean waters and tidelands to high-water mark lying between the southerly
27 extremity of Malibu Point and the westerly extremity of Rocky Point (Palos
28 Verdes Point), excluding all rivers, streams and lagoons.

29 (b) Any reference to “District 19A” shall be construed as a reference to District
30 2630.

31 **Comment.** Subdivision (a) of Section 2630 continues former Fish and Game Code Section
32 11028 without substantive change.

33 Subdivision (b) is new.

34 **§ 2635. District 2635**

35 2635. (a) The following constitutes Fish and Wildlife District 2635:

36 The ocean waters and tidelands to high-water mark northerly of the following
37 line:

38 Beginning at the west end of the San Pedro Breakwater, thence in an extended
39 line following the axis of said San Pedro Breakwater, the middle breakwater and
40 the Long Beach Breakwater to the east end of the latter, thence to the outer end of
41 the west jetty of Anaheim Bay.

1 (b) Except as otherwise provided, all of the provisions of this code applicable to
2 Districts 2550 and 2555 apply to District 2635.

3 (c) Any reference to “District 19B” shall be construed as a reference to District
4 2635.

5 **Comment.** Subdivision (a) of Section 2635 continues former Fish and Game Code Section
6 11029 without substantive change.

7 Subdivision (b) is new.

8 **§ 2640. District 2640**

9 2640. (a) The following constitutes Fish and Wildlife District 2640:

10 Santa Catalina Island and the portion of the waters of the state within three
11 nautical miles of the island’s coast line on the northerly, easterly, and southerly
12 side of the island, lying between a line extending three nautical miles west
13 magnetically from the extreme westerly end of Santa Catalina Island to a line
14 extending three nautical miles southwest magnetically from the most southerly
15 promontory of China Point.

16 (b) Any reference to “District 20” shall be construed as a reference to District
17 2640.

18 **Comment.** Subdivision (a) of Section 2640 continues former Fish and Game Code Section
19 11030 without substantive change.

20 Subdivision (b) is new.

21 **§ 2645. District 2645**

22 2645. (a) The following constitutes Fish and Wildlife District 2645:

23 The waters lying around Santa Catalina Island, within three nautical miles of the
24 coast line of the island, which are not included in District 2640.

25 (b) Any reference to “District 20A” shall be construed as a reference to District
26 2645.

27 **Comment.** Subdivision (a) of Section 2645 continues former Fish and Game Code Section
28 11031 without substantive change.

29 Subdivision (b) is new.

30 **§ 2650. District 2650**

31 2650. (a) The following constitutes Fish and Wildlife District 2650:

32 The waters and tidelands to high water mark of San Diego Bay lying inside of a
33 straight line drawn from the southerly extremity of Point Loma to the offshore end
34 of the San Diego breakwater.

35 (b) Any reference to “District 21” shall be construed as a reference to District
36 2650.

37 **Comment.** Subdivision (a) of Section 2650 continues former Fish and Game Code Section
38 11032 without substantive change.

39 Subdivision (b) is new.

40 **§ 2655. District 2655**

41 2655. (a) The following constitutes Fish and Wildlife District 2655:

1 All of Imperial County and those portions of Riverside and San Bernardino
2 Counties lying south and east of the following line: Starting at the intersection of
3 Highway 99 with the north boundary of Imperial County, thence north along that
4 highway to the intersection with Highway 60 and 70; thence east along Highway
5 60 and 70 to its intersection with the Cottonwood Springs Road in Sec. 9, T. 6 S.,
6 R. 11 E.; thence north along that road and the Mecca Dale Road to Amboy; thence
7 east along Highway 66 to the intersection with Highway 95; thence north along
8 Highway 95 to the California-Nevada boundary.

9 (b) Any reference to “District 22” shall be construed as a reference to District
10 2655.

11 **Comment.** Subdivision (a) of Section 2655 continues former Fish and Game Code Section
12 11033 without substantive change.

13 Subdivision (b) is new.

14 **§ 2660. District 2660**

15 2660. (a) The following constitutes Fish and Wildlife District 2660:

16 The lands and waters lying within the drainage area of Rubicon and Little
17 Rubicon Rivers above their confluence in Sec. 13, T. 13 N., R. 13 E.; all lands and
18 waters lying within the drainage area of the South Fork of the American River and
19 all its tributaries above Chili Bar Bridge on the Placerville-Georget own Highway;
20 all of the lands and waters lying within the drainage area of Webber Creek above
21 the Mother Lode Highway between El Dorado and Placerville; the waters of Lake
22 Tahoe and the Truckee River, and all streams flowing into that lake and river, and
23 all lands and waters within the drainage basin of that lake and river lying within
24 this State; the waters of Silver Lake, Twin Lakes, Twin Lake, Blue Lakes,
25 Meadow Lake, Wood Lake, Winnemucca Lake and Scott’s Lake, Burnside Lake,
26 the Carson River, the West Fork of the Carson River, Willow Creek and
27 Markleeville Creek and all tributaries of those streams and all streams flowing into
28 those lakes and all lands and waters lying within the drainage basin of those lakes,
29 rivers and streams within this State; all the waters of the Cosumnes River and its
30 tributaries, and all lakes lying within the watershed of that river and tributaries
31 above the bridge on the Mother Lode Highway between Plymouth and Nashville,
32 all being within the Counties of Alpine, Amador, and El Dorado.

33 (b) Any reference to “District 23” shall be construed as a reference to District
34 2660.

35 **Comment.** Subdivision (a) of Section 2660 continues former Fish and Game Code Section
36 11034 without substantive change.

37 Subdivision (b) is new.

38 **§ 2665. District 2665**

39 2665. (a) The following constitutes Fish and Wildlife District 2665:

40 The waters of Lake Almanor and all streams flowing into that lake and all lands
41 lying within the drainage basin of those streams and lake, all being within the
42 Counties of Plumas and Lassen.

1 (b) Any reference to “District 25” shall be construed as a reference to District
2 2665.

3 **Comment.** Subdivision (a) of Section 2665 continues former Fish and Game Code Section
4 11035 without substantive change.

5 Subdivision (b) is new.

6 **§ 2670. District 2670**

7 2670. (a) The following constitutes Fish and Wildlife District 2670:

8 The waters of the Klamath River as described in the initiative act to create the
9 Klamath River Fish and Game District, approved by the electors on November 4,
10 1924, which initiative act provides:

11 The Klamath River Fish and Game District is hereby created and shall consist
12 of the Klamath River and the waters thereof, following its meanderings from
13 the confluence of the Klamath River and the Shasta River in the County of
14 Siskiyou to the mouth of the Klamath River in Del Norte County.

15 (b) Any reference to the “Klamath River district” shall be construed as a
16 reference to District 2670.

17 **Comment.** Subdivision (a) of Section 2670 continues the first three paragraphs of former Fish
18 and Game Code Section 11036 without substantive change.

19 Subdivision (b) is new.

20 **§ 2675. District 2675**

21 2675. (a) The following constitutes Fish and Wildlife District 2675:

22 The Klamath River and the waters thereof, following its meanderings from the
23 mouth of the Klamath River in Del Norte County to its confluence with the
24 Salmon River, and also the Trinity River and the waters thereof, following its
25 meanderings from its confluence with the Klamath River in the County of
26 Humboldt to its confluence with the south fork of the said Trinity River.

27 (b) Any reference to the “Trinity and Klamath River District” shall be construed
28 as a reference to District 2675.

29 **Comment.** Subdivision (a) of Section 2675 continues former Fish and Game Code Section
30 11037 without substantive change.

31 Subdivision (b) is new.

32 **§ 2680. District 2680**

33 2680. (a) The following constitutes Fish and Wildlife District 2680:

34 The ocean waters and tidelands lying within the following boundaries:

35 Beginning at the south side of the pier at San Simeon thence westerly three
36 miles, thence southerly to a point three miles west of the southern boundary of the
37 state park at Cambria in San Luis Obispo County, thence easterly to the southwest
38 point of the state park at Cambria.

39 (b) All of the provisions relating to District 2620 shall apply to District 2680.

40 (c) Any reference to “District 118” shall be construed as a reference to District
41 2680.

1 **Comment.** Section 2805 restates former Fish and Game Code Section 1050(b) without
2 substantive change.

3 **Note.** Proposed Section 2805 is intended to restate existing Section 1050(b) to improve its
4 clarity, without changing its substantive effect. The existing provision reads as follows:
5 “The commission shall determine the form of all licenses, permits, tags, reservations, and other
6 entitlements and the method of carrying and displaying all licenses, and may require and
7 prescribe the form of applications therefor and the form of any contrivance to be used in
8 connection therewith, except for those programs where the department has fee-setting authority,
9 in which case the department shall retain that authority.”

10 **The Commission invites comment on whether the proposed restatement would cause any**
11 **substantive change in the meaning of the provision.**

12 **§ 2810. Licenses uniquely numbered**

13 2810. Licenses of each class shall be uniquely numbered. Every license shall
14 contain its expiration date and the fee for which it is issued. If no fee is either
15 required by this code or established by the commission pursuant to Section 3000,
16 the license shall so indicate.

17 **Comment.** Section 2810 continues former Fish and Game Code Section 1051 without
18 substantive change.

19 **§ 2815. Validity**

20 2815. A license is not valid until it is filled out completely and accurately and
21 the fee authorized or identified in statute or regulation for the license is received
22 and paid to the department or its agent. It is the responsibility of the user to ensure
23 that the license is filled out completely and accurately.

24 **Comment.** Section 2815 continues former Fish and Game Code Section 1050.1 without
25 substantive change.

26 **§ 2820. Validity of stamp**

27 2820. Any stamp issued pursuant to this part is not valid unless affixed to the
28 appropriate license document.

29 **Comment.** Section 2820 continues former Fish and Game Code Section 1052.5 without
30 substantive change.

31 **CHAPTER 2. ISSUANCE**

32 **§ 2900. Issuance generally**

33 2900. The department may issue and shall collect payment for any entitlement,
34 document, or authorization for which a fee is authorized pursuant to this code.

35 **Comment.** Section 2900 continues former Fish and Game Code Section 1054.5 without
36 change.

37 **§ 2905. Issuance**

38 2905. All licenses shall be prepared and issued by the department.

1 **Comment.** Section 2905 continues former Fish and Game Code Section 1050(a) without
2 substantive change.

3 **§ 2910. Terms and conditions of issuance**

4 2910. (a) Except as provided in subdivision (b), the commission shall prescribe
5 the terms and conditions under which a license or application is issued.

6 (b) For programs where the department has fee-setting authority, the department
7 has the authority described in subdivision (a).

8 (c) The department shall issue a license or application in accordance with the
9 terms and conditions prescribed pursuant to this section and with the applicable
10 provisions of law.

11 **Comment.** Section 2910 restates former Fish and Game Code Section 1050(c) without
12 substantive change.

13 **Notes.** (1) Proposed Section 2910 is intended to restate Section 1050(c) to improve its clarity,
14 without changing its substantive effect. The existing provision reads as follows:

15 “Whenever this code provides for a permit, license, tag, reservation, application, or other
16 entitlement, the commission, in accordance with the provision, shall prescribe the terms and
17 conditions under which the permit, license, tag, reservation, application, or other entitlement shall
18 be issued, except for those programs where the department has fee-setting authority, in which
19 case the department shall retain that authority. The department shall issue the permit, license, tag,
20 reservation, application, or other entitlement in accordance therewith and with the applicable
21 provisions of law.”

22 **The Commission requests public comment on whether the proposed restatement would
23 cause any substantive change in the meaning of the provision.**

24 (2) Proposed Section 2910(c) appears to be superfluous. See proposed Sections 2905 (duty of
25 department to issue license), 2910(a)-(b) (terms under which license can be issued). **Can
26 proposed Section 2910(c) be deleted?**

27 **§ 2915. Applicant information confidential**

28 2915. (a) Except as otherwise provided in this section, the names and addresses
29 contained in records submitted and retained by the department for the purpose of
30 obtaining recreational fishing and hunting licenses are confidential and are not
31 public records.

32 (b) Notwithstanding any other provision of law, the department may release the
33 confidential information described in subdivision (a) under the following
34 circumstances:

35 (1) To an agent or authorized family member of the person to whom the
36 information pertains.

37 (2) To an officer or employee of another governmental agency when necessary
38 for the performance of his or her official duties.

39 (3) In accordance with Section 5050.

40 (4) Pursuant to a court order.

41 **Comment.** Section 2915 continues former Fish and Game Code Section 1050.6 without
42 substantive change.

1 **§ 2920. Proof of statements or facts**

2 2920. (a) The department may require the applicant for a license or other
3 privilege to show proof of the statements or facts required for the issuance of the
4 license or other privilege.

5 (b) For purposes of this section, “department” includes any department
6 employee, license agent, or any person performing the duties of a department
7 employee or license agent.

8 **Comment.** Section 2920 continues former Fish and Game Code Section 1054(b)-(c) without
9 substantive change.

10 **§ 2925. Temporary document**

11 2925. Notwithstanding any other provision of this code, the department may
12 issue a temporary document that allows the holder of a license purchased through
13 the Internet to enjoy the privileges of the license for a period not to exceed 30
14 calendar days from the date of purchase.

15 **Comment.** Section 2925 continues former Fish and Game Code Section 1050.3 without
16 substantive change.

17 **§ 2930. Limitation on number of licenses issued to one person**

18 2930. A person shall not obtain more than one license, permit, reservation, or
19 other entitlement of the same class, or more than the number of tags authorized by
20 statute or regulation for the same license year, except under one of the following
21 conditions:

22 (a) A nonresident hunting license issued pursuant to paragraph (4) or (5) of
23 subdivision (a) of Section 10210, or a short-term sport fishing license issued
24 pursuant to paragraph (3), (4), or (5) of subdivision (a) of Section 13100.

25 (b) The loss or destruction of an unexpired license, tag, permit, reservation, or
26 other entitlement, except a stamp or endorsement, provided that all the following
27 requirements are met:

28 (1) The applicant certifies the loss or destruction of the license by signed
29 affidavit.

30 (2) There is proof, as determined by the department, that the original license was
31 issued.

32 (3) The applicant pays a base fee of five dollars (\$5). The base fee shall be
33 adjusted annually pursuant to Section 3755, not to exceed the fee for the original
34 entitlement. The adjustment shall apply to the hunting license years commencing
35 on or after July 1, 1996, and the fishing license years commencing on or after
36 January 1, 1996.

37 (c) The loss or destruction of a stamp or endorsement imprinted on a base
38 license that was issued through the Automated License Data System, on payment
39 of a base fee of three dollars (\$3) for each stamp or endorsement replaced on any
40 base license document. The base fee shall be adjusted annually pursuant to Section

1 3755, not to exceed the fee for the original entitlement. The base fee shall apply to
2 the 2011 license year.

3 **Comment.** Section 2930 restates former Fish and Game Code Sections 1053.1(a) without
4 substantive change.

5 **Note.** Proposed Section 2930 is intended to restate existing Section 1053.1(a) to clarify the
6 meaning of that provision, without changing its substantive effect. The existing provision reads as
7 follows:

8 “1053.1. (a) A person shall not obtain more than one license, permit, reservation, or other
9 entitlement of the same class, or more than the number of tags authorized by statute or regulation
10 for the same license year, except under one of the following conditions:

11 (1) Nonresident hunting licenses issued pursuant to paragraphs (4) and (5) of subdivision (a) of
12 Section 3031, and short-term sport fishing licenses issued pursuant to paragraphs (3), (4), and (5)
13 of subdivision (a) of Section 7149, and paragraphs (3), (4), and (5) of subdivision (a) of Section
14 7149.05.

15 (2) The loss or destruction of an unexpired license, tag, permit, reservation, or other
16 entitlement, except a stamp or endorsement, as certified by the applicant’s signed affidavit and
17 proof, as determined by the department, that the original license, tag, permit, reservation, or other
18 entitlement was issued, and payment of a base fee of five dollars (\$5). The base fee shall be
19 adjusted annually pursuant to Section 713, not to exceed the fee for the original entitlement, as
20 follows:

21 (A) The adjustment shall apply to the hunting license years commencing on or after July 1,
22 1996.

23 (B) The adjustment shall apply to the fishing license years commencing on or after January 1,
24 1996.

25 (3) The loss or destruction of a stamp or endorsement imprinted on a base license and payment
26 of a base fee of three dollars (\$3) for each stamp or endorsement replaced on any base license
27 document, adjusted annually pursuant to Section 713, not to exceed the fee for the original
28 entitlement. The base fee in this paragraph shall apply to the 2011 license year.”

29 **The Commission invites comment on whether the proposed restatement would cause any**
30 **substantive change in the meaning of any of these provisions.**

31 **§ 2935. License voucher**

32 2935. (a) The department may allow a person to purchase a license voucher as a
33 gift for a licensee when the licensee’s complete and accurate personal information,
34 as defined in regulation, is not provided by the license buyer at the time of
35 purchase.

36 (b) A license purchase voucher entitles the holder of the voucher to redeem it for
37 the specific license, permit, tag, or other privilege or entitlement, and license year
38 for which it was purchased.

39 (c) A license purchase voucher shall expire and be considered void if not
40 redeemed within the license year for which it was purchased.

41 (d) A license purchase voucher may be issued and redeemed by a person
42 authorized by the department to issue licenses.

43 (e) The license agent handling fee, as provided under Section 3350, shall only
44 apply to the sale of the license purchase voucher.

45 **Comment.** Section 2935 continues former Fish and Game Code Section 1061 without
46 substantive change.

1 **Comment.** Section 3000 restates former Fish and Game Code Section 1050(d) without
2 substantive change.

3 **Note.** Proposed Section 3000 is intended to restate Section 1050(d) to improve its clarity,
4 without changing its substantive effect. The existing provision reads as follows:

5 “Except for fees set by the department pursuant to subdivision (e), whenever this code does
6 not specify whether a fee is to be collected, or does not specify the amount of a fee to be
7 collected, or does not expressly prohibit the adjustment of statutorily imposed fees by the
8 commission by reference to this section for the issuance of any license, tag, permit, application,
9 reservation, or other entitlement, the commission may establish a fee or the amount thereof by
10 regulation. The commission may also provide for the change in the amount of the fee in
11 accordance with Section 713. Fees established by the commission shall be in an amount sufficient
12 to recover all reasonable administrative and implementation costs of the department and
13 commission relating to the program with regard to which the fee is paid. The commission may
14 establish a fee structure that provides for the phasing in of new fees leading up to full cost
15 recovery for the department and commission, provided that full cost recovery is achieved within
16 five years of the establishment of the fee.”

17 **The Commission requests public comment on whether the proposed restatement would**
18 **cause any substantive change in the meaning of the provision.**

19 **§ 3005. Application fee**

20 3005. (a) Whenever this code provides for a license, the commission or
21 department, as applicable, may establish a nonrefundable application fee, not to
22 exceed the lesser of (1) seven dollars and fifty cents (\$7.50) or (2) an amount
23 sufficient to pay the department’s costs for issuing the license.

24 (b) The commission or department, as applicable, may adjust the application fee
25 in accordance with Section 3755.

26 **Comment.** Section 3005 restates former Fish and Game Code Section 1050(f) without
27 substantive change.

28 **Notes.** (1) Proposed Section 3005 is intended to restate former Fish and Game Code Section
29 1050(f) to improve its clarity, without changing its substantive effect. The existing provision
30 reads as follows:

31 “Whenever this code provides for a license, tag, permit, reservation, or other entitlement, the
32 commission or department, as applicable, may establish a nonrefundable application fee, not to
33 exceed seven dollars and fifty cents (\$7.50) sufficient to pay the department’s costs for issuing
34 the license, tag, permit, reservation, or other entitlement and may adjust the application fee in
35 accordance with Section 713.”

36 **The Commission requests public comment on whether the proposed restatement would**
37 **cause any substantive change in the meaning of the provision.**

38 (2) Under the existing provision, it is not clear how the two limits on the fee amount operate.
39 Proposed Section 3005 would provide that the fee cannot exceed the *lesser* of the two specified
40 amounts. **The Commission requests public comment on whether that is an appropriate**
41 **resolution of the ambiguity.**

42 **§ 3010. Credit card payment**

43 3010. The department may accept a credit card charge as a method of payment.
44 Any contract executed by the department with credit card issuers or draft
45 purchasers shall be consistent with Section 6159 of the Government Code.

1 Notwithstanding Title 1.3 (commencing with Section 1747) of Part 4 of Division 3
2 of the Civil Code, the department may impose a surcharge in an amount to cover
3 the cost of providing the credit card service, including reimbursement for any fee
4 or discount charged by the credit card issuer.

5 **Comment.** Section 3010 continues former Fish and Game Code Section 1050.5 without
6 change.

7 CHAPTER 4. VIOLATIONS

8 § 3050. Unlawful acts

9 3050. It is unlawful for any person to do any of the following:

10 (a) Transfer any license.

11 (b) Use or possess any license that was not lawfully issued to the user or
12 possessor thereof or that was obtained by fraud, deceit, or the use of a fake or
13 counterfeit application form.

14 (c) Use or possess any fake or counterfeit license, permit application form, band,
15 or seal, made or used for the purpose of evading any of the provisions of this code,
16 or regulations adopted pursuant to this code.

17 (d) Predate, fail to date, or alter any date of any license.

18 (e) Postdate the date of application or the date of issuance of the license. This
19 subdivision does not apply to the date that a license is valid.

20 (f) Alter, mutilate, deface, duplicate, or counterfeit any license, permit
21 application form, band, or seal, or entries thereon, to evade the provisions of this
22 code, or any regulations adopted pursuant to this code.

23 **Comment.** Section 3050 continues former Fish and Game Code Section 1052 without
24 substantive change.

25 CHAPTER 5. SUSPENSION, REVOCATION, OR FORFEITURE

26 § 3100. “Conviction”

27 3100. For the purpose of invoking any provision of this code, or any rule,
28 regulation, or order made or adopted under this code, relating to the suspension,
29 revocation, or forfeiture of any license or permit, a plea of nolo contendere or “no
30 contest” to, or forfeiture of bail from, a charge of a violation of any provision of
31 this code, or any rule, regulation, or order made or adopted under this code, is a
32 conviction of a violation thereof.

33 **Comment.** Section 3100 continues former Fish and Game Code Section 12158.5 without
34 change.

35 § 3105. Collection of administrative penalty

36 3105. After the expiration of the time period to appeal an administrative penalty
37 imposed pursuant to Section 9305, 9320, 49995, or 50130, or any other provision
38 of this code, the department may apply to the clerk of the appropriate court for a

1 judgment to collect the administrative penalty. The application, including a
2 certified copy of the order imposing the administrative penalty, a hearing officer’s
3 decision, if any, or a settlement agreement, if any, shall constitute a sufficient
4 showing to warrant issuance of the judgment. The court clerk shall enter the
5 judgment immediately in conformity with the application. The judgment so
6 entered has the same force and effect as, and is subject to all the provisions of law
7 relating to, a judgment in a civil action, and may be enforced in the same manner
8 as any other judgment of the court in which it is entered.

9 **Comment.** Section 3105 continues former Section 12014 without substantive change.

10 **Note.** The sections listed in the first sentence of existing Section 12014 (i.e., existing Sections
11 2301, 2302, 2582, and 2583) are not the only sections of the code that authorize the imposition of
12 administrative penalties. See, e.g., existing Section 1615. Given that the section also applies to
13 “any other provision of this code,” it is not clear why those sections are specifically listed. **The**
14 **Commission invites comments on whether “Section 2301, 2302, 2582, or 2583, or any other”**
15 **should be replaced with “a.” That would seem to more clearly state the broad application of**
16 **the section.**

17 TITLE 2. LICENSE AGENTS

18 CHAPTER 1. AUTHORIZED LICENSE AGENT

19 § 3200. Application and approval generally

20 3200. (a) Any person, except a commissioner, officer, or employee of the
21 department, may submit an application to the department to be a license agent to
22 issue licenses.

23 (b) A person shall only be authorized to be a license agent to issue licenses,
24 upon the written approval of the department.

25 **Comment.** Section 3200 continues former Fish and Game Code Section 1055.1(a)-(b) without
26 substantive change.

27 § 3205. License agent for sale of lifetime licenses

28 3205. (a) The department may designate a nonprofit organization, organized
29 pursuant to the laws of this state, or the California chapter of a nonprofit
30 organization, organized pursuant to the laws of another state, as a license agent for
31 the sale of lifetime licenses issued pursuant to Sections 9100, 10230, and 13105.
32 These licenses may be sold by auction or by other methods and are not subject to
33 the fee limitations prescribed in this code.

34 (b) A license agent authorized to issue lifetime sport fishing licenses, lifetime
35 hunting licenses, and lifetime sport fishing and hunting licenses under this section
36 is exempt from subdivisions (a) and (c) of Section 3350.

37 (c) The license agent shall remit to the department the fees from the sale of
38 lifetime licenses, as defined in Sections 9100, 10230, and 13105.

39 **Comment.** Section 3205 continues former Fish and Game Code Section 1055.1(g) without
40 substantive change.

1 **Notes.** (1) Does the exemption in proposed Section 3205(b) apply to any type of license sold
2 by a license agent authorized to sell lifetime licenses under that section? Or does the exemption
3 only apply to lifetime licenses sold by such a license agent?
4 (2) Are “nonprofit organizations” the only persons who can act as license agents for the sale of
5 lifetime licenses?

6 **§ 3210. Wildlife area passes and native species stamps**

7 3210. The department may authorize any person other than a commissioner or
8 an officer or employee of the department to issue, as an agent of the department,
9 annual wildlife area passes and native species stamps, and to sell promotional
10 materials and nature study aids pursuant to, and subject to the requirements of, this
11 article. An agent thus authorized may add a handling charge pursuant to Section
12 3350 to the fee prescribed in **Article 3 (commencing with Section 1760) of**
13 **Chapter 7.5 of Division 2** for each annual wildlife area pass or native species
14 stamp issued.

15 **Comment.** Section 3210 continues former Fish and Game Code Section 1055.3 without
16 substantive change. Cross-references to repealed subdivisions of former Fish and Game Code
17 Section 1055 are not continued.

18 **CHAPTER 2. AUTOMATED LICENSE DATA SYSTEM**

19 **§ 3250. Provision of licenses**

20 3250. (a) The department may provide licenses to authorized license agents and
21 shall collect, prior to delivery, an amount equal to the fees for all licenses
22 provided.

23 (b) Any licenses provided pursuant to this section that remain unissued at the
24 end of the license year may be returned to the department for refund or credit, or a
25 combination of refund and credit, within six months of the item expiration date.
26 No credit may be allowed after six months following the last day of the license
27 year.

28 (c) Any license agent who pays the fees prior to delivery for licenses, permits,
29 reservations, tags, or other entitlements is exempt from Sections 3360, 3365, and
30 3370.

31 **Comment.** Subdivision (a) of Section 3250 continues the first sentence of former Fish and
32 Game Code Section 1055.1(c) without substantive change.

33 Subdivision (b) continues the third and fourth sentences of former Fish and Game Code
34 Section 1055.1(c) without substantive change.

35 Subdivision (c) continues the second sentence of former Fish and Game Code Section
36 1055.1(c) without substantive change.

37 **Note.** (1) Section 1055.1(c) was modeled after language in Section 1055(d), which describes
38 license agents who prepay the Department of Fish and Wildlife for physical licenses and then sell
39 them to the public. As a result of that origin, the language does not do a very good job of
40 describing the ALDS system. **The Commission invites comment on whether proposed Section**
41 **3250(a) could be restated for greater accuracy.**

42 (2) The Commission’s understanding is that ALDS is a print-on-demand system. Licenses are
43 only printed when they have been purchased. Consequently, it is not clear that proposed Section

1 3250(b) has any meaningful application. The inclusion of that provision in existing Section
2 1055.1(c) may have been inadvertent. **The Commission requests public comment on whether**
3 **the provision should be deleted as unnecessary.**

4 (3) Similarly, proposed Section 3250(c) continues the second sentence of existing Section
5 1055.1(c), which provides express exemptions for an ALDS license agent who pays for licenses
6 “prior to delivery.” The Commission’s understanding is that ALDS sales are never pre-paid.
7 Instead, charges for ALDS license sales are logged and electronic transfers are made periodically,
8 after the fact. **The Commission requests public comment on whether the exemptions in**
9 **Section 1055.1(c) apply to ALDS sales.**

10 **§ 3255. Remittance**

11 3255. (a) Except as provided in subdivision (b), each license agent authorized
12 pursuant to Section 3200 shall remit to the department the fees prescribed in this
13 code or in regulations adopted pursuant to this code for all licenses by electronic
14 means, such as electronic fund transfer. In order to facilitate the prompt remittance
15 of revenues, the department is authorized to withdraw funds from the bank
16 account of the license agent, including adjustments, by electronic transfer. License
17 agents shall ensure that the total fees required for all licenses necessary to perform
18 the electronic transfer are available on the date specified by the license agent
19 contract.

20 (b) A license agent shall report to the department on or before the end of the
21 next business day of the department any losses of fees received from the issuing of
22 licenses.

23 (c) Except as provided in subdivision (b), any fees not transmitted or made
24 available to the department within seven days following the due date as specified
25 by the department are delinquent, and delinquent fees are subject to interest and
26 penalties prescribed in subdivision (b) of Section 3360. Interest and penalties shall
27 be computed beginning one day following the due date as specified by the
28 department.

29 **Comment.** Subdivision (a) of Section 3255 continues former Fish and Game Code Section
30 1055.6(a) without substantive change.

31 Subdivision (b) continues former Fish and Game Code Section 1055.6(b) without substantive
32 change.

33 Subdivision (c) continues former Fish and Game Code Section 1055.6(d) without substantive
34 change.

35 **§ 3260. Advertisement of Automated License Data System website**

36 3260. (a) A nonprofit conservation organization seeking promotion, exposure,
37 and awareness of the organization on the Automated License Data System Online
38 License Service Internet Web site, as feasible, through the display of the
39 organization’s logo, or other graphics agreed upon by the organization and the
40 department, to give a prospective license buyer the opportunity to link
41 electronically to the organization’s Internet home page, shall submit, by
42 September 30 of each year, a letter to the department providing evidence that the
43 organization meets the criteria set forth in subdivision (c). If the department

1 determines that the nonprofit conservation organization is eligible, it shall include
2 the organization's logo or other graphics in a space with a link to the
3 organization's Internet home page on the Automated License Data System Online
4 License Service Internet Web site for a time period agreed upon by both parties.

5 (b) The department may impose a charge on a nonprofit conservation
6 organization for inclusion on the Automated License Data System Online License
7 Service Internet Web site pursuant to subdivision (a) that shall not exceed the
8 costs associated with the direct administration of this section.

9 (c) As used in this section, "nonprofit conservation organization" means an
10 entity that the department determines meets all of the following:

11 (1) It is a nonprofit organization described in Section 501(c)(3) of the Internal
12 Revenue Code (26 U.S.C. Sec. 501(c)(3)), that is exempt from taxation under
13 Section 501(a) of that code (26 U.S.C. Sec. 501(a)).

14 (2) It is registered with the Attorney General.

15 (3) Its goals and objectives are related to the conservation of sport fish or game
16 species.

17 (4) In at least one of the previous three calendar years, it has entered into, or
18 been obligated under, a contract or other agreement, including, but not limited to,
19 a license, easement, memorandum of understanding, or lease, with the department
20 to perform habitat or other wildlife conservation work, to provide hunting or
21 fishing opportunities for the public, to raise funds on behalf of the department,
22 including, but not limited to, the sale of hunting fundraising tags or related items,
23 or to otherwise provide assistance to the department that is consistent with the
24 department's mission.

25 (d) The department shall deposit revenues of the charge imposed pursuant to
26 subdivision (b) in the Fish and Game Preservation Fund, to be available, upon
27 appropriation by the Legislature, exclusively to pay all initial and ongoing costs
28 associated with the direct administration of this section, including, but not limited
29 to, a portion of the costs of making changes to the Automated License Data
30 System necessary to implement this section.

31 (e) The department shall implement the links from the Automated License Data
32 System Online License Service Internet Web site by January 1, 2015, if it
33 determines that date is feasible.

34 **Comment.** Section 3260 continues former Fish and Game Code Section 1065 without change.

35 CHAPTER 3. FINANCIAL PROVISIONS

36 § 3350. Handling charge

37 3350. (a) Authorized license agents shall add a handling charge to the fees
38 prescribed in this code or in regulations adopted pursuant to this code for any
39 license, permit, reservation, tag, and other entitlement issued by the license agent
40 in an amount that is 5 percent of the face value of the item rounded to the nearest
41 five cents (\$0.05).

1 (b) The handling charge added pursuant to subdivision (a) shall be incorporated
2 into the total amount collected for issuing the license, permit, reservation, tag, and
3 other entitlement, but the handling charge shall not be included when determining
4 license fees in accordance with Section 3755. A license agent may issue any
5 license, permit, reservation, tag, or other entitlement for any amount up to 10
6 percent less than the fee prescribed in this code or in regulations adopted pursuant
7 to this code. The license agent shall remit to the department the full amount of the
8 fees as prescribed in this code or in regulations adopted pursuant to this code for
9 all licenses, permits, reservations, tags, and other entitlements issued.

10 (c) The handling charge required by subdivision (a) is the license agent's only
11 compensation for services. The license agent shall not be entitled to any other
12 additional fee or charge for issuing any license, permit, reservation, tag, or other
13 entitlement authorized pursuant to this section.

14 **Comment.** Section 3350 continues former Fish and Game Code Section 1055.1(d)-(f) without
15 substantive change.

16 **§ 3355. Colorado River special use validation**

17 3355. Notwithstanding subdivision (c) of Section 3350, a license agent may
18 retain not more than fifteen cents (\$0.15) of the fee received for each Colorado
19 River special use validation issued pursuant to Section 12955 as compensation for
20 services. The license agent shall remit to the department the fees prescribed by
21 Section 13260, less any amounts retained under this section, as provided in
22 subdivision (a) of Section 3255.

23 **Comment.** Section 3355 continues former Fish and Game Code Section 1055.6(c) without
24 substantive change.

25 **§ 3360. Failure to account**

26 3360. (a) The failure or refusal of any license agent to account for licenses or
27 any fees received from their issuance as required by Section 3255 or upon demand
28 by an authorized representative of the department is a misdemeanor.

29 (b) In addition to subdivision (a), any license agent who fails to remit fees to the
30 department on or before the date required by Section 3255 shall pay interest and
31 penalties prescribed for sales and use taxes and, except as otherwise provided in
32 this code, the department shall collect amounts owing under the procedures
33 prescribed for sales and use taxes provided in Chapters 5 (commencing with
34 Section 6451) and 6 (commencing with Section 6701) of Part 1 of Division 2 of
35 the Revenue and Taxation Code, insofar as they may be applicable, and for those
36 purposes, "board" means the department.

37 (c) The punishment for a violation of this section is a fine of not more than two
38 thousand dollars (\$2,000), imprisonment in a county jail for not more than one
39 year, or both that fine and imprisonment.

40 **Comment.** Subdivisions (a) and (b) of Section 3360 continue former Fish and Game Code
41 Section 1059 without substantive change.

1 Subdivision (c) continues former Fish and Game Code Section 12002(b)(1) without substantive
2 change.

3 **§ 3365. Separate accounting required**

4 3365. All license money shall be accounted for separately from other funds of a
5 license agent, and shall at all times belong to the state.

6 **Comment.** Section 3365 continues former Section 1057 without substantive change.

7 **§ 3370. Bond**

8 3370. A license agent who fails to transmit the fees or accounting reports
9 required by Section 3255 not later than 60 days following the due date as specified
10 by the department may be required to execute, in favor of the department, a bond,
11 payable to the department, in a sum determined by the department in order to
12 continue as a license agent. The bond shall secure the accurate accounting and
13 payment to the department of the funds collected and the performance of the
14 duties imposed upon the license agent by this article.

15 **Comment.** Section 3370 continues former Fish and Game Code Section 1056 without
16 substantive change.

17 **§ 3375. Preferred claim**

18 3375. In case of an assignment for the benefit of creditors, receivership, or
19 bankruptcy, the state shall have a preferred claim against the license agent's
20 assignee, receiver, or trustee for all moneys owing the state for the issuing of
21 licenses as provided in this code and shall not be estopped from asserting that
22 claim by reason of the commingling of funds or otherwise.

23 **Comment.** Section 3375 continues former Fish and Game Code Section 1058 without
24 substantive change.

25 **PART 6. GENERAL FINANCIAL PROVISIONS**

26 **TITLE 1. STATE**

27 **CHAPTER 1. LEGISLATIVE FINDINGS, DECLARATIONS, AND INTENT**

1 **§ 3450. Legislative findings and declarations of 1978 (as amended in 2006)**

2 3450. The Legislature finds and declares that the department has in the past not
3 been adequately funded to meet its mandates. The principal causes have been the
4 fixed nature of the department’s revenues in contrast with the rising costs resulting
5 from inflation, the increased burden on the department to carry out its public trust
6 responsibilities, and additional responsibilities placed on the department by the
7 Legislature. This lack of funding has prevented proper planning and personnel
8 allocation. The lack of funding has required the department to restrict wildlife
9 officer enforcement and to defer essential management of lands acquired for
10 wildlife conservation. The lack of funding for fish and wildlife conservation
11 activities other than sport and commercial fishing and hunting activities has
12 resulted in inadequate wildlife and habitat conservation and wildlife protection
13 programs.

14 **Comment.** Section 3450 continues former Fish and Game Code Section 710 without
15 substantive change.

16 **§ 3455. Legislative findings and declarations of 1990**

17 3455. (a) The Legislature finds and declares that the department continues to be
18 inadequately funded to meet its mandates. While revenues have been declining,
19 the department’s responsibilities have increased in order to protect public trust
20 resources in the face of increasing population and resource management demands.
21 The department’s revenues have been limited due to a failure to maximize user
22 fees and inadequate non-fee-related funding. The limited department revenues
23 have resulted in the inability of the department to effectively provide all of the
24 programs and activities required under this code and to manage the wildlife
25 resources held in trust by the department for the people of the state.

26 (b) The Legislature further finds and declares that the department has been
27 largely supported by fees paid by those who utilize the resources held in trust by
28 the department. It is the intent of the Legislature that, to the extent feasible, the
29 department should continue to be funded by user fees. All fees collected by the
30 department, including, but not limited to, recreational hunting and fishing licenses,
31 landing taxes, commercial licenses, permits and entitlements, and other fees for
32 use of the resources regulated or managed by the department, are user fees. To the
33 extent that these fees are appropriated through the Budget Act for the purposes for
34 which they are collected to provide services to the people of the State of
35 California, these user fees are not subject to Article XIII B of the California
36 Constitution.

37 (c) The Legislature further finds and declares that user fees are not sufficient to
38 fund all of the department’s mandates. To fulfill its mandates, the department must
39 secure a significant increase in reliable funding, in addition to user fees.

40 **Comment.** Section 3455 continues former Fish and Game Code Section 710.5 without change.

1 **§ 3460. Legislative findings and declarations of 1992**

2 3460. (a) The Legislature finds and declares all of the following:

3 (1) The department continues to face serious funding instability due to revenue
4 declines from traditional user fees and taxes and the addition of new and expanded
5 program responsibilities.

6 (2) Historically, the recreational and commercial fishing industry has funded
7 much of the department's marine fisheries activities.

8 (3) As the state's population grows and development changes historic land uses,
9 fish and wildlife continue to be depleted, necessitating a significant portion of the
10 department's activities to be directed toward protecting fish and wildlife for the
11 benefit of the people of the state.

12 (b) It is the intent of the Legislature to extend the current user-based funding
13 system by allocating a portion of the marine resource protection costs to those who
14 use and benefit from recreational and commercial use of the marine resources.

15 (c) It is the Legislature's intent that, notwithstanding Section 3465, the
16 department shall cooperate with the Legislature, recreational users, conservation
17 organizations, the commercial fishing industry, and other interested parties to
18 identify and propose new alternative sources of revenue to fund the department's
19 necessary marine conservation, restoration, and resources management, and
20 protection responsibilities.

21 (d) It is further the intent of the Legislature to identify new funding sources and
22 to secure those sources to adequately fund the department's activities directed at
23 protecting and managing wildlife for the people of the state.

24 **Comment.** Section 3460 continues former Fish and Game Code Section 710.7 without
25 substantive change.

26 **§ 3465. Statement of legislative intent regarding funding**

27 3465. (a) It is the intent of the Legislature to ensure adequate funding from
28 appropriate sources for the department. To this end, the Legislature finds and
29 declares that:

30 (1) The costs of nongame fish and wildlife programs shall be provided annually
31 in the Budget Act by appropriating money from the General Fund, through
32 nongame user fees, and sources other than the Fish and Game Preservation Fund
33 to the department for these purposes.

34 (2) The costs of commercial fishing programs shall be provided out of revenues
35 from commercial fishing taxes, license fees, and other revenues, from
36 reimbursements and federal funds received for commercial fishing programs, and
37 other funds appropriated by the Legislature for this purpose.

38 (3) The costs of hunting and sportfishing programs shall be provided out of
39 hunting and sportfishing revenues and reimbursements and federal funds received
40 for hunting and sportfishing programs, and other funds appropriated by the
41 Legislature for this purpose. These revenues, reimbursements, and federal funds

1 shall not be used to support commercial fishing programs, free hunting and fishing
2 license programs, or nongame fish and wildlife programs.

3 (4) The costs of managing lands managed by the department and the costs of
4 wildlife management programs shall be supplemented out of revenues in the
5 Native Species Conservation and Enhancement Account in the Fish and Game
6 Preservation Fund.

7 (5) Hunting, sportfishing, and sport ocean fishing license fees shall be adjusted
8 annually to an amount equal to that computed pursuant to Section 3755. However,
9 a substantial increase in the aggregate of hunting and sportfishing programs shall
10 be reflected by appropriate amendments to the sections of this code that establish
11 the base sport license fee levels. The inflationary index provided in Section 3755
12 shall not be used to accommodate a substantial increase in the aggregate of
13 hunting and sportfishing programs.

14 (6) The costs of a conservation and mitigation banking program, including, but
15 not limited to, costs incurred by the department during its adoption of guidelines
16 for, and the review, approval, establishment, monitoring, and oversight of, banks,
17 shall be reimbursed from revenues of conservation and mitigation bank application
18 fees imposed pursuant to **Sections 1798.5, 1798.6, and 1799.**

19 (b) The director and the Secretary of the Natural Resources Agency, with the
20 department's annual budget submittal to the Legislature, shall submit a report on
21 the fund condition, including the expenditures and revenue, for all accounts and
22 subaccounts within the Fish and Game Preservation Fund. The department shall
23 also update its cost allocation plan to reflect the costs of program activities.

24 (c) For purposes of this section, "substantial increase" means an increase in
25 excess of 5 percent of the Fish and Game Preservation Fund portion of the
26 department's current year support budget, excluding cost-of-living increases
27 provided for salaries, staff benefits, and operating expenses.

28 **Comment.** Section 3465 continues former Fish and Game Code Section 711 without
29 substantive change.

30 **Notes.** (1) Existing Section 711(b) (which would be continued by proposed Section 3465(b))
31 is not a statement of legislative intent. It is a substantive provision. Moreover, it appears to
32 duplicate the substance of existing Section 13001.5, with less detail. **Does existing Section**
33 **711(b) serve any purpose, or can it be deleted?**

34 (2) Existing Section 711(c) (which would be continued by proposed Section 3465(c)) provides
35 a definition for the purposes of "this article." But existing Section 711 is the only section in the
36 referenced article that uses the defined term. **The provision's scope of application has been**
37 **narrowed accordingly.**

38 **§ 3470. Statement of legislative intent regarding nongame program funding**

39 3470. (a) It is the intent of the Legislature that the Department of Finance shall
40 include in the Governor's Budget sufficient moneys from the General Fund and
41 sources other than the Fish and Game Preservation Fund to pay the costs of the
42 department's nongame programs, including those necessary for the protection and

1 enhancement of California’s nongame fish and wildlife and their habitat, the free
2 hunting and fishing license programs, and special repairs and capital outlay.

3 (b) It is the intent of the Legislature that the Department of Finance shall not
4 include in the Governor’s Budget any appropriation from the Fish and Game
5 Preservation Fund for any program or project that is not expressly found to be an
6 activity relating to the protection or propagation of fish and wildlife, except to the
7 extent that moneys have been deposited in that fund from collections under a law
8 which is not related to the protection or propagation of fish and wildlife.

9 (c) Any study relating to funding of programs administered or conducted by the
10 department shall include express findings of whether the program is related to the
11 protection or propagation of fish and wildlife and shall describe the relationship.

12 **Comment.** Section 3470 continues former Fish and Game Code Section 712 without
13 substantive change.

14 CHAPTER 2. ACCOUNTING

15 **§ 3500. Fish and Game Preservation Fund**

16 3500. (a) The Fish and Game Preservation Fund in the State Treasury is
17 continued in existence.

18 (b) Wherever the term “Fish Commission Fund” or “Game Preservation Fund”
19 appears in any law, it means “Fish and Game Preservation Fund.”

20 **Comment.** Subdivision (a) of Section 3500 continues former Fish and Game Code Section
21 13000 without change.

22 Subdivision (b) continues former Fish and Game Code Section 12 without change.

23 **§ 3505. Fund condition statement**

24 3505. (a) The department shall prepare annually, for inclusion in the Governor’s
25 Budget, a fund condition statement for the Fish and Game Preservation Fund that
26 displays both of the following:

27 (1) Information relating to the total amounts of revenues and expenditures with
28 regard to the moneys in the fund that are deposited in an account or subaccount in
29 the fund.

30 (2) Information relating to revenues and expenditures with regard to all moneys
31 in the fund that are not deposited in an account or subaccount in the fund.

32 (b) For the purposes of subdivision (a), the department shall prepare the fund
33 condition statement in a manner that is similar to the fund condition statement
34 relating to the Fish and Game Preservation Fund included in the 2003-04
35 Governor’s Budget.

36 (c) The department shall prepare, for posting on its Internet Web site on or
37 before January 10 of each year, a fund condition statement for each account or
38 subaccount in the fund.

39 **Comment.** Section 3505 continues former Fish and Game Code Section 13001.5 without
40 change.

1 § 3510. Accounting method

2 3510. The department shall account for revenues and expenditures of the money
3 in the Fish and Game Preservation Fund in a manner consistent with the laws and
4 applicable policies governing state departments generally for each activity or
5 program in which the department is engaged.

6 **Comment.** Section 3510 continues former Fish and Game Code Section 13200 without
7 substantive change.

8 § 3515. Program descriptions

9 3515. In establishing the appropriate programs or activities for this system, the
10 department shall consider the following programs or activities:

- 11 (1) Freshwater fisheries activities.
- 12 (2) Marine fisheries activities.
- 13 (3) Wildlife management activities.
- 14 (4) Planning and environmental review.
- 15 (5) Law enforcement.
- 16 (6) Nongame and endangered species.
- 17 (7) General administration.

18 **Comment.** Section 3515 continues former Fish and Game Code Section 13201 without
19 change.

20 **Note.** The Commission invites comment on the intended meaning of the reference in
21 the introduction to this provision to “this system.”

22 § 3520. Payroll and other costs

23 3520. (a) Payroll and other costs that are directly identifiable with specific
24 programs or activities shall be charged directly to accounts maintained for the
25 appropriate programs or activities.

26 (b) Payroll and other costs that are not identifiable with specific programs or
27 activities shall be allocated on an equitable basis to program or activity cost
28 accounts.

29 **Comment.** Section 3520 continues former Fish and Game Code Section 13202 without
30 substantive change.

31 § 3525. Basic principle of cost accounting system

32 3525. The basic principle of this cost accounting system shall be that the total
33 cost of operation of the department shall be accounted for by accounting for the
34 cost of each activity or program in which it is engaged.

35 **Comment.** Section 3525 continues former Fish and Game Code Section 13203 without
36 change.

37 **Note.** Existing Fish and Game Code Section 13203 (which would be continued by proposed
38 Section 3525) refers to “*this* cost accounting system,” without clearly identifying the pronoun’s
39 antecedent. In order to resolve that ambiguity, it would be helpful to know whether the section is
40 referring to existing Section 13200 (which would be continued by proposed Section 3510),

1 existing Section 13202 (which would be continued by proposed Section 3520), both of those
2 sections, or something else.

3 **The Commission invites comment on that issue.**

4 CHAPTER 3. REVENUE

5 Article 1. Deposit of Revenue

6 **§ 3600. Default deposit rule**

7 3600. Unless otherwise provided, all money collected under the provisions of
8 this code and of any other law relating to the protection and preservation of birds,
9 mammals, fish, reptiles, or amphibians shall be paid into the State Treasury to the
10 credit of the Fish and Game Preservation Fund.

11 **Comment.** Section 3600 continues former Fish and Game Code Section 13001(a) without
12 substantive change.

13 **§ 3605. Deposit of license revenue**

14 3605. The department shall pay into the State Treasury at least once a month the
15 money received by it from the sale of licenses issued under the provisions of this
16 code.

17 **Comment.** Section 3605 continues former Fish and Game Code Section 13002 without
18 change.

19 **§ 3610. Deposit and apportionment of fines and forfeitures**

20 3610. (a) Unless otherwise provided by law, a fine or forfeiture imposed or
21 collected in any court of this state for a violation of a provision of this code, a
22 regulation adopted pursuant to this code, or any other law providing for the
23 protection or preservation of birds, mammals, fish, reptiles, or amphibians, shall
24 be deposited as soon as practicable after the receipt thereof with the county
25 treasurer of the county in which the court is situated.

26 (b) Amounts deposited pursuant to subdivision (a) shall be paid at least once a
27 month as follows:

28 (1) One-half to the Treasurer, by warrant of the county auditor drawn upon the
29 requisition of the clerk or judge of the court, for deposit in the Fish and Game
30 Preservation Fund in the State Treasury on order of the Controller. At the time of
31 transmittal, the county auditor shall forward to the Controller, on a form or forms
32 that the Controller may prescribe, a record of the imposition, collection, and
33 payment of the fines or forfeitures. The department may employ legal counsel and
34 may expend these funds to pay the costs of legal actions brought in the name of
35 the people relating to the enforcement of this code by a district attorney, city
36 attorney, or the department, as appropriate.

37 (2) One-half to the county in which the offense was committed.

38 **Comment.** Section 3610 continues former Fish and Game Code Section 13003 without
39 substantive change.

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Article 2. Gifts, Grants, and Donations

§ 3650. Deposit of gifts and bequests

3650. All moneys collected or received from gifts or bequests, or from municipal or county appropriations or donations for purposes relating to conservation programs, projects, and activities by the department shall be deposited in the State Treasury to the credit of the Fish and Game Preservation Fund. All moneys deposited pursuant to this section shall be used for purposes relating to conservation programs, projects, and activities by the department.

Comment. Section 3650 continues former Fish and Game Code Section 1225 without change.

§ 3655. Funding agreements

3655. The department may enter into one or more agreements to accept funds from any person, nonprofit organization, or other public or private entity for purposes relating to conservation programs, projects, and activities by the department. Any funds received pursuant to this section shall be deposited in the Fish and Game Preservation Fund. The funds received shall supplement existing resources for purposes relating to conservation programs, projects, and activities by the department.

Comment. Section 3655 continues former Fish and Game Code Section 1226(a) without change.

§ 3660. Grants and donations for financing of K9 program

3660. Notwithstanding Section 11005 of the Government Code, the department may seek and accept grants and donations from private and public organizations and agencies for the purpose of administering the Canine (K9) Program. The acceptance of one-time donations valued over fifteen thousand dollars (\$15,000) shall require approval of the Department of Finance.

Comment. Section 3660 continues former Fish and Game Code Section 859 without change.

§ 3665. Commemorative license

3665. (a) The department may issue collectible, commemorative licenses to any person for purposes of promoting and supporting licensed hunting, fishing, and resource conservation, subject to all of the following:

(1) A commemorative license may be designed and produced as the department may determine and shall be clearly marked and identified as a commemorative license, rendering it invalid for the take of any mammal, bird, fish, reptile, or amphibian.

(2) A commemorative license shall not confer any rights, privileges, or other entitlements to any person purchasing or in possession of such a license.

(3) Provisions of this code that govern hunting and sport fishing licenses do not apply to the purchase of a commemorative license. A commemorative license shall not qualify as evidence required in subdivision (a) of Section 10200.

1 (b) All funds derived from the sale of commemorative licenses shall be
2 deposited in the Fish and Game Preservation Fund.

3 **Comment.** Section 3665 continues former Fish and Game Code Section 1050.8 without
4 substantive change.

5 **Note.** Existing Fish and Game Code Section 1050.8(a)(3) (which would be continued by
6 proposed Section 3665(a)(3)) provides that “Subdivision (a) of Section 1052, Section 1053.1,
7 Article 2 (commencing with Section 3031) of Chapter 1 of Part 1 of Division 4, and Article 3
8 (commencing with Section 7145) of Chapter 1 of Part 2 of Division 6” do not apply to the
9 purchase of a commemorative license. The two referenced articles in this cross-reference each
10 contain many provisions that in the proposed law have been continued in many different
11 locations.

12 **The Commission invites comment on whether the alternative use of a descriptive cross-**
13 **reference in proposed Section 3665(a)(3) – “provisions of this code that govern hunting and**
14 **sport fishing licenses” – would change the meaning of existing Section 1050.8(a)(3).**

15 **§ 3670. Wildlife officer stamp**

16 3670. (a) The department may offer for sale a wildlife officer stamp to be
17 designed and produced as the department may determine. The wildlife officer
18 stamp may be purchased on a voluntary basis from the department or a licensed
19 agent authorized pursuant to Section 3250 for a donation of not less than five
20 dollars (\$5). The department may also design an electronic version of the wildlife
21 officer stamp to be offered through the Automated License Data System. There
22 shall be no indication on any license or permit of the purchase of a wildlife officer
23 stamp.

24 (b) All revenues from sales under this section shall be deposited in the Fish and
25 Game Warden Stamp Account that is hereby created in the Fish and Game
26 Preservation Fund to permit separate accountability for the receipt and expenditure
27 of these funds. Funds deposited in the Fish and Game Warden Stamp Account
28 shall be used, upon appropriation, to support the department’s wildlife officers.

29 **Comment.** Section 3670 continues former Fish and Game Code Section 860 without
30 substantive change.

31 Article 3. Fees

32 **§ 3750. Department authority to set or change fees**

33 3750. (a) The department may, by regulation, establish fees and adjust
34 statutorily imposed fees for the filings, permits, determinations, or other
35 department actions described in **Sections 711.4, 9200, and 1609.**

36 (b) The department may change the amount of a fee in accordance with Section
37 3755.

38 (c) Fees established by the department shall be in an amount sufficient to
39 recover all reasonable administrative and implementation costs of the department
40 relating to the program with regard to which the fee is paid. The department may
41 establish a fee structure that provides for the phasing in of new fees leading up to

1 full cost recovery for the department, provided that full cost recovery is achieved
2 within five years of the establishment of the fee.

3 **Comment.** Section 3750 restates former Fish and Game Code Section 1050(e) without
4 substantive change.

5 **Note.** Proposed Section 3750 is intended to restate existing Fish and Game Code Section
6 1050(e) to improve its clarity, without changing its substantive effect. The existing provision
7 reads as follows:

8 “1050. (a)...

9 (e) The department may establish fees and may adjust statutorily imposed fees by regulation
10 for the filings, permits, determinations, or other department actions described in Section 711.4,
11 1002, or 1609. The department also may provide for the change in the amount of the fee in
12 accordance with Section 713. Fees established by the department shall be in an amount sufficient
13 to recover all reasonable administrative and implementation costs of the department relating to
14 the program with regard to which the fee is paid. The department may establish a fee structure
15 that provides for the phasing in of new fees leading up to full cost recovery for the department,
16 provided that full cost recovery is achieved within five years of the establishment of the fee.”

17 **The Commission invites comment on whether the proposed restatement would cause any**
18 **substantive change in the meaning of the provision.**

19 **§ 3755. Inflation based changes in fees**

20 3755. (a) The changes in the Implicit Price Deflator for State and Local
21 Government Purchases of Goods and Services, as published by the United States
22 Department of Commerce, shall be used as the index to determine an annual rate
23 of increase or decrease in the fees for licenses, stamps, permits, tags, or other
24 entitlements issued by the department.

25 (b)(1) The department shall determine the change in the Implicit Price Deflator
26 for State and Local Government Purchases of Goods and Services, as published by
27 the United States Department of Commerce, for the quarter ending March 31 of
28 the current year compared to the quarter ending March 31 of the previous year.
29 The relative amount of the change shall be multiplied by the current fee for each
30 license, stamp, permit, tag, or other entitlement issued by the department.

31 (2) The product shall be rounded to the nearest twenty-five cents (\$0.25), and
32 the resulting amount shall be added to the fee for the current year. The resulting
33 amount shall be the fee for the license year beginning on or after January 1 of the
34 next succeeding calendar year for the license, stamp, permit, tag, or other
35 entitlement that is adjusted under this section.

36 (c) Notwithstanding any other provision of law, the department may recalculate
37 the current fees charged for each license, stamp, permit, tag, or other entitlement
38 issued by the department, to determine that all appropriate indexing has been
39 included in the current fees. This section shall apply to all licenses, stamps,
40 permits, tags, or other entitlements, that have not been increased each year since
41 the base year of the 1985-86 fiscal year.

42 (d) The commission, with respect to any license, stamp, permit, tag, or other
43 entitlement issued by the commission shall comply with subdivisions (a) to (c),
44 inclusive.

1 (e) The calculations provided for in this section shall be reported to the
2 Legislature with the Governor’s Budget Bill.

3 (f) The Legislature finds that all revenues generated by fees for licenses, stamps,
4 permits, tags, and other entitlements, computed under this section and used for the
5 purposes for which they were imposed, are not subject to Article XIII B of the
6 California Constitution.

7 (g) The department and the commission, at least every five years, shall analyze
8 all fees for licenses, stamps, permits, tags, and other entitlements issued by it to
9 ensure the appropriate fee amount is charged. Where appropriate, the department
10 shall recommend to the Legislature or the commission that fees established by the
11 commission or the Legislature be adjusted to ensure that those fees are
12 appropriate.

13 **Comment.** Section 3755 continues former Fish and Game Code Section 713 without change.

14 CHAPTER 4. EXPENDITURES

15 **§ 3800. Expenditures generally**

16 3800. Except as provided in **Section 13230**, the money in the Fish and Game
17 Preservation Fund, commencing with the 2005-06 fiscal year, is available for
18 expenditure, upon appropriation by the Legislature, for all of the following
19 purposes:

20 (a) To the department for payment of refunds of sums determined by it to have
21 been erroneously deposited in the fund, including, but not limited to, money
22 received or collected in payment of fees, licenses, permits, taxes, fines, forfeitures,
23 or services.

24 (b) To the department for expenditure in accordance with law for the payment of
25 all necessary expenses incurred in carrying out this code and any other laws for the
26 protection and preservation of birds, mammals, reptiles, amphibians, and fish.

27 (c) To the commission for expenditure in accordance with law for the payment
28 of the compensation and expenses of the commissioners and employees of the
29 commission.

30 **Comment.** Section 3800 continues former Fish and Game Code Section 13220 without
31 substantive change.

32 **§ 3805. Secret witness program**

33 3805. Notwithstanding Sections 3600 and 3810, the money collected from the
34 penalties on fines, penalties, or forfeitures levied pursuant to Section 4425 shall be
35 used only to pay the department’s costs of support for the department’s secret
36 witness program. The purpose of the secret witness program is to facilitate the
37 enforcement of this code and regulations adopted pursuant to this code.
38 Contributions to the secret witness program may also be made pursuant to
39 subdivision (k) of Section 3915.

1 **§ 3910. Expenditures subject to Gov't Code § 29000 et seq**

2 3910. Expenditures from the fish and wildlife propagation fund of any county
3 shall be subject to the provisions of Division 3 (commencing with Section 29000)
4 of Title 3 of the Government Code.

5 **Comment.** Section 3910 continues former Fish and Game Code Section 13102 without
6 substantive change.

7 **§ 3915. Authorized expenditures**

8 3915. Expenditures from the fish and wildlife propagation fund of any county
9 may be made only for the following purposes:

10 (a) Public education relating to the scientific principles of fish and wildlife
11 conservation, consisting of supervised formal instruction carried out pursuant to a
12 planned curriculum and aids to education such as literature, audio and video
13 recordings, training models, and nature study facilities.

14 (b) Temporary emergency treatment and care of injured or orphaned wildlife.

15 (c) Temporary treatment and care of wildlife confiscated by the department as
16 evidence.

17 (d) Breeding, raising, purchasing, or releasing fish or wildlife which are to be
18 released upon approval of the department pursuant to Sections 25410 and 25415
19 onto land or into waters of local, state, or federal agencies or onto land or into
20 waters open to the public.

21 (e) Improvement of fish and wildlife habitat, including, but not limited to,
22 construction of fish screens, weirs, and ladders; drainage or other watershed
23 improvements; gravel and rock removal or placement; construction of irrigation
24 and water distribution systems; earthwork and grading; fencing; planting trees and
25 other vegetation management; and removal of barriers to the migration of fish and
26 wildlife.

27 (f) Construction, maintenance, and operation of public hatchery facilities.

28 (g) Purchase and maintain materials, supplies, or equipment for either the
29 department's ownership and use or the department's use in the normal
30 performance of the department's responsibilities.

31 (h) Predator control actions for the benefit of fish or wildlife following
32 certification in writing by the department that the proposed actions will
33 significantly benefit a particular wildlife species.

34 (i) Scientific fish and wildlife research conducted by institutions of higher
35 learning, qualified researchers, or governmental agencies, if approved by the
36 department.

37 (j) Reasonable administrative costs, excluding the costs of audits required by
38 Section 3920, for secretarial service, travel, and postage by the county fish and
39 wildlife commission when authorized by the county board of supervisors. For
40 purposes of this subdivision, "reasonable cost" means an amount which does not
41 exceed 15 percent of the average amount received by the fund during the previous

1 three-year period, or ten thousand dollars (\$10,000) annually, whichever is greater,
2 excluding any funds carried over from a previous fiscal year.

3 (k) Contributions to a secret witness program for the purpose of facilitating
4 enforcement of this code and regulations adopted pursuant to this code.

5 (l) Costs incurred by the district attorney or city attorney in investigating and
6 prosecuting civil and criminal actions for violations of this code, as approved by
7 the department.

8 (m) Other expenditures, approved by the department, for the purpose of
9 protecting, conserving, propagating, and preserving fish and wildlife.

10 **Comment.** Section 3915 continues former Fish and Game Code Section 13103 without
11 substantive change.

12 § 3920. Audit

13 3920. The department may audit, or require the county to audit, expenditures by
14 the county from its fish and wildlife propagation fund in order to determine
15 compliance with this title. If, after reviewing the audit, the department determines
16 that expenditures are not in compliance with this title, the department may require
17 that all expenditures from the fund be temporarily suspended, or it may seek
18 reimbursement of funds that the department determines, based on the audit, were
19 expended improperly, or both.

20 **Comment.** Section 3920 continues former Fish and Game Code Section 13104 without
21 substantive change.

22 DIVISION 3. LAW ENFORCEMENT

23 PART 1. PERSONNEL

24 TITLE 1. DEPARTMENT

25 § 4100. Deputy as peace officer

26 4100. A deputy appointed to enforce the provisions of this code is a peace
27 officer. The deputy has all the powers and authority conferred by law upon peace
28 officers listed in Section 830.6 of the Penal Code to make arrests for violations of
29 this code, and may serve all processes and notices throughout the state.

30 **Comment.** Section 4100 continues former Fish and Game Code Section 851 without change.

31 § 4105. Deputized law enforcement officer as peace officer

32 4105. (a) Every employee of the department designated by the director as a
33 deputized law enforcement officer is a peace officer as provided by Section 830.2
34 of the Penal Code. The authority of that peace officer extends to any place in the
35 state as to a public offense committed or which offense there is probable cause to
36 believe has been committed within the state.

1 (b) Every peace officer described in this section, before the date that he or she is
2 first deputized by the department, shall have satisfactorily completed the basic
3 course as set forth in the regulations of the Commission on Peace Officer
4 Standards and Training.

5 (c) Every peace officer described in this section shall be required to complete
6 regular training courses as required by the Commission on Peace Officer
7 Standards and Training.

8 **Comment.** Section 4105 continues former Fish and Game Code Section 856 without
9 substantive change.

10 **§ 4110. Employee deputized to check sport fishing licenses**

11 4110. (a) The director may deputize any employee of the department to check
12 persons for licenses required under Section 12900 and to enforce any violation of
13 that section.

14 (b) Before a person is deputized pursuant to this section for the first time, the
15 person shall have satisfactorily completed a training course meeting the minimum
16 standards of, and comparable to, the training for “level III reserve” as set forth in
17 the regulations of the Commission on Peace Officer Standards and Training.

18 (c) A person who is deputized for the limited purpose stated in subdivision (a)
19 shall not enforce any other provision of this code. Being deputized under this
20 section does not make a person a peace officer subject to Chapter 4.5
21 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

22 **Comment.** Section 4110 restates former Fish and Game Code Section 853 without substantive
23 change.

24 **Note.** Proposed Section 4110(c) restates the last sentence of existing Fish and Game Code
25 Section 853 to improve its clarity, without changing its substantive effect. The existing provision
26 reads as follows:

27 “Any person, who is deputized for this limited purpose pursuant to this section, may not
28 enforce any other provision of this code, and is not a peace officer subject to Chapter 4.5
29 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.”

30 The restated provision would also make clear that a person who is already a peace officer does
31 not lose that status as a result of being deputized under this section.

32 **The Commission requests public comment on whether the proposed restatement would
33 cause any substantive change in the meaning of the provision.**

34 **§ 4115. Minimum age of wildlife officer**

35 4115. Notwithstanding Section 18932 of the Government Code, the minimum
36 age limit for appointment to the position of wildlife officer of the department shall
37 be 18 years. An examination for the position of wildlife officer shall require a
38 demonstration of the physical ability to effectively carry out the duties and
39 responsibilities of the position in a manner that would not inordinately endanger
40 the health or safety of a wildlife officer or any other person.

41 **Comment.** Section 4115 continues former Fish and Game Code Section 854 without
42 substantive change.

1 fines collected, and a general statement in regard to the management of the office
2 of county wildlife officer. A copy of the detailed statement shall, at the same time,
3 be filed with the department.

4 **Comment.** Section 4220 continues former Fish and Game Code Section 879 without
5 substantive change.

6 **§ 4225. Appointment of deputy**

7 4225. The board of supervisors of each county may, in its discretion, appoint a
8 deputy wildlife officer, to serve at the pleasure of the board.

9 **Comment.** Section 4225 continues former Fish and Game Code Section 880 without
10 substantive change.

11 **§ 4230. Deputy powers, duties, salary, and expenses**

12 4230. The deputy shall have the powers, perform the duties, receive the salary,
13 and be entitled to expenses, as the board of supervisors provides.

14 **Comment.** Section 4230 continues former Fish and Game Code Section 881 without
15 substantive change.

16 **§ 4235. Source of payment of deputy salary and expenses**

17 4235. The salary and expenses of a deputy county wildlife officer shall be paid
18 from the county treasury.

19 **Comment.** Section 4235 continues former Fish and Game Code Section 882 without
20 substantive change.

21 **PART 2. GENERAL PROCEDURES**

22 **§ 4300. Rewards**

23 4300. (a) The director may pay a reward from any funds available for that
24 purpose to any person who furnished information that led to an arrest, a criminal
25 conviction, a civil penalty, an administrative penalty, or for forfeiture of property,
26 for any violation of this code or any regulation adopted pursuant to this code. The
27 amount of reward, if any, shall be designated by the director with the advice of the
28 CalTIP Award Board.

29 (b) This section does not apply to any action brought to recover damages under
30 Section 8450.

31 **Comment.** Section 4300 continues former Fish and Game Code Section 2586 without
32 substantive change.

33 **§ 4305. Employee expenditure to procure evidence**

34 4305. (a) Regularly employed law enforcement officers of the department may,
35 when authorized by the director, expend sums authorized for the purchase of fish,
36 birds, or mammals as evidence, or for expenditures related to the procurement of

1 those types of evidence, or for expenditures made to investigate other violations of
2 this code, without divulging the identity of the employee.

3 (b) The sums so expended shall be repaid to the law enforcement officer making
4 the expenditure upon claims approved by the director. The claims, when approved,
5 shall be paid out of the funds appropriated or made available by law for the
6 support of the department.

7 **Comment.** Section 4305 continues former Fish and Game Code Section 855 without
8 substantive change.

9 **§ 4310. Environmental crimes task force**

10 4310. (a) The Legislature finds and declares that:

11 (1) Poaching violations and other violations of the Fish and Wildlife Code have
12 been increasing, and these violations have a detrimental impact on fish and
13 wildlife and their habitats, which are held in trust by the state for the benefit of the
14 people of the state.

15 (2) In order to deter illegal poaching and other violations that adversely impact
16 fish and wildlife, it is important that the department coordinate with other law
17 enforcement entities and the courts to facilitate effective enforcement and
18 prosecution of these offenses.

19 (b) The department, to the extent feasible and subject to available resources,
20 shall establish and coordinate an environmental crimes task force. The task force
21 should involve the participation of the department's Office of General Counsel
22 working with each of the department's law enforcement districts. The task force
23 may include coordination with representatives from the California District
24 Attorneys' Association, the Judicial Council, the Attorney General's office, and
25 the University of California. Objectives of the task force may include, but are not
26 limited to, providing training, education, and outreach to prosecutors and the
27 courts on Fish and Wildlife Code violations and providing other assistance as
28 appropriate in the prosecution of environmental crimes.

29 **Comment.** Section 4310 continues former Fish and Game Code Section 12028 without
30 substantive change.

31 **§ 4315. Electronic management of citations**

32 4315. (a) The department, on or before January 1, 2016, shall prepare and
33 submit to the relevant policy and fiscal committees of the Legislature a feasibility
34 study report on an electronic system to manage citations issued by fish and
35 wildlife wardens, exchange information on citations with the courts, and transfer
36 data on court dispositions to the Automated License Data System.

37 (b)(1) Pursuant to Section 10231.5 of the Government Code, the requirement for
38 submitting a report pursuant to subdivision (a) shall become inoperative on
39 January 1, 2017.

40 (2) A report to be submitted pursuant to subdivision (a) shall be submitted in
41 compliance with Section 9795 of the Government Code.

1 **Note.** The introductory clauses in existing Section 12000(a) (which would be continued by
2 proposed Section 4400(a)) and existing Section 12002(a) (which would be continued by proposed
3 Section 4400(b)) are slightly different in scope. It seems likely that the difference was
4 inadvertent, in which case it would be appropriate to conform the two provisions.

5 **The Commission requests public comment on whether the stricter introductory clause in**
6 **subdivision (a) of proposed Section 4400 should also be used in subdivision (b) of that**
7 **provision.**

8 **§ 4405. Violation of regulations generally**

9 4405. It is unlawful to violate any provision of Division 1 (commencing with
10 Section 1.04) of Title 14 of the California Code of Regulations. The violation may
11 be charged as a violation of this section or of the specific provision of Title 14,
12 and shall be punishable as provided in Section 4410.

13 **Comment.** Section 4405 continues former Fish and Game Code Section 2020 without
14 substantive change.

15 **§ 4410. Violation of specific regulations**

16 4410. Notwithstanding Section 4400, a person who violates any of the following
17 regulations in Title 14 of the California Code of Regulations is guilty of an
18 infraction punishable by a fine of not less than one hundred dollars (\$100) and not
19 to exceed one thousand dollars (\$1,000), or of a misdemeanor:

20 (a) Sections 1.14, 1.17, 1.62, 1.63, and 1.74.

21 (b) Sections 2.00 to 5.95, inclusive, and 7.00 to 8.00, inclusive.

22 (c) Sections 27.56 to 30.10, inclusive.

23 (d) Sections 40 to 43, inclusive.

24 (e) Section 251.7.

25 (f) Sections 307, 308, and 311 to 313, inclusive.

26 (g) Sections 505, 507 to 510, inclusive, and 550 to 553, inclusive.

27 (h) Section 630.

28 (i) Section 632, except if either of the following apply:

29 (1) The person who violates the regulation is a commercial fisherman, or a
30 commercial passenger fishing boat owner.

31 (2) The violation of the regulation occurred within two years of a prior violation
32 of the regulation that resulted in a conviction.

33 **Comment.** Section 4410 continues former Fish and Game Code Section 12000(b)(4)-(12)
34 without substantive change.

35 **Note.** As a general proposition, except where there exists clear legislative intent to achieve a
36 different result, the proposed law would replace references to the term “licensed commercial
37 fisherman” with the term “commercial fisherman,” which is defined as a person “engaging in an
38 activity for which a commercial fishing license is *required*.... (regardless of whether the person
39 *had* a valid license). See proposed Section 280 (“commercial fisherman”) and Note following. As
40 expressed in that Note, the rationale for that revision is the Commission’s belief that the
41 Legislature intended that laws regulating commercial fishing should apply to anyone *engaged* in
42 the regulated activity, regardless of whether the person held a valid *license* to do so.

43 Based on that rationale, proposed Section 4410(i)(1) would replace the phrase “person who
44 violates the regulation holds a commercial fishing license issued pursuant to Article 3

(commencing with Section 7850) of Chapter 1 of Part 3 of Division 6” with the phrase “person who violates the regulation is a commercial fisherman.”

This same rationale also applies equally to persons involved in other regulated commercial fishing businesses, and so throughout the proposed law the Commission has proposed similar revisions of references to persons holding licenses to engage in such businesses. See, e.g., proposed Sections 300 (“commercial passenger fishing boat owner”). Therefore, proposed Section 4410(i)(1) would also replace the phrase “person who violates the regulation holds...a commercial passenger fishing boat license issued pursuant to Article 5 (commencing with Section 7920) of Chapter 1 of Part 3 of Division 6” with the phrase “person who violates the regulation is... a commercial passenger fishing boat owner.”

The Commission invites comment on whether these revisions would be problematic.

§ 4415. Failure to appear or pay fine

4415. (a) A license, tag, stamp, reservation, permit, or other entitlement or privilege issued pursuant to this code to a defendant who fails to appear at a court hearing for a violation of this code, or who fails to pay a fine imposed pursuant to this code, shall be immediately suspended or revoked. The license, tag, stamp, reservation, permit, or other entitlement or privilege shall not be reinstated or renewed, and no other license, tag, stamp, reservation, permit, or other entitlement or privilege shall be issued to that person pursuant to this code, until the court proceeding is completed or the fine is paid.

(b) This subdivision does not apply to any violation of Section 3050, 25200, 39230, **5650, 5653.9, 6650, 6653.5**, or subdivision (a) or (b) of Section 3360.

Comment. Section 4415 continues former Fish and Game Code Section 12002(d) without substantive change.

§ 4420. Violation of promise to appear

4420. Any person willfully violating his or her written promise to appear in court, or before a person authorized to receive a deposit of bail, is guilty of a misdemeanor, regardless of the disposition of the charge upon which he or she was originally arrested.

Comment. Section 4420 continues former Fish and Game Code Section 12020 without substantive change.

Note. In context, it seems likely that existing Section 12020 only applies to a person charged with a violation of the Fish and Game Code (or an implementing regulation). However, the section does not state that limitation expressly. **Should it?**

§ 4425. Additional penalty

4425. (a) In addition to any assessment, fine, penalty, or forfeiture imposed pursuant to any other provision of law, an additional penalty of fifteen dollars (\$15) shall be added to any fine, penalty, or forfeiture imposed under this code for a violation of this code or a regulation adopted pursuant thereto. However, no more than one additional penalty may be imposed in a single proceeding. The revenue from this penalty shall be transferred to, and deposited in, the Fish and Game Preservation Fund and used exclusively for the purposes of Section 3805.

1 (b) Subdivision (a) does not apply to a violation punishable pursuant to
2 subdivision (b) of Section 9900, subdivision (b) of Section 13300, or any
3 regulation relating to the wearing or display of a fishing license.

4 **Comment.** Section 4425 continues former Fish and Game Code Section 12021 without
5 substantive change.

6 TITLE 2. CULTIVATION OR PRODUCTION OF
7 CONTROLLED SUBSTANCE

8 **§ 4700. “Controlled substance” defined**

9 4700. For purposes of this chapter, “controlled substance” has the same meaning
10 as defined in Section 11007 of the Health and Safety Code.

11 **Comment.** Section 4700 continues former Fish and Game Code Section 12025(h) without
12 substantive change.

13 **§ 4705. Conduct on public land**

14 4705. In addition to any penalties imposed by any other law, a person found to
15 have violated the code sections described in subdivisions (a) to (k), inclusive, in
16 connection with the production or cultivation of a controlled substance on land
17 under the management of the Department of Parks and Recreation, the Department
18 of Fish and Wildlife, the Department of Forestry and Fire Protection, the State
19 Lands Commission, a regional park district, the United States Forest Service, or
20 the United States Bureau of Land Management, or within the respective ownership
21 of a timberland production zone, as defined in Chapter 6.7 (commencing with
22 Section 51100) of Part 1 of Division 1 of Title 5 of the Government Code, of more
23 than 50,000 acres, or while trespassing on other public or private land in
24 connection with the production or cultivation of a controlled substance, shall be
25 liable for a civil penalty as follows:

26 (a) A person who violates **Section 1602** in connection with the production or
27 cultivation of a controlled substance is subject to a civil penalty of not more than
28 ten thousand dollars (\$10,000) for each violation.

29 (b) A person who violates **Section 5650** in connection with the production or
30 cultivation of a controlled substance is subject to a civil penalty of not more than
31 forty thousand dollars (\$40,000) for each violation.

32 (c) A person who violates **Section 5652** in connection with the production or
33 cultivation of a controlled substance is subject to a civil penalty of not more than
34 forty thousand dollars (\$40,000) for each violation.

35 (d) A person who violates subdivision (a) of Section 374.3 of the Penal Code in
36 connection with the production or cultivation of a controlled substance is subject
37 to a civil penalty of not more than forty thousand dollars (\$40,000) for each
38 violation.

39 (e) A person who violates paragraph (1) of subdivision (h) of Section 374.3 of
40 the Penal Code in connection with the production or cultivation of a controlled

1 substance is subject to a civil penalty of not more than forty thousand dollars
2 (\$40,000) for each violation.

3 (f) A person who violates subdivision (b) of Section 374.8 of the Penal Code in
4 connection with the production or cultivation of a controlled substance is subject
5 to a civil penalty of not more than forty thousand dollars (\$40,000) for each
6 violation.

7 (g) A person who violates Section 384a of the Penal Code in connection with the
8 production or cultivation of a controlled substance is subject to a civil penalty of
9 not more than ten thousand dollars (\$10,000) for each violation.

10 (h) A person who violates subdivision (a) of Section 4571 of the Public
11 Resources Code in connection with the production or cultivation of a controlled
12 substance is subject to a civil penalty of not more than ten thousand dollars
13 (\$10,000) for each violation.

14 (i) A person who violates Section 4581 of the Public Resources Code in
15 connection with the production or cultivation of a controlled substance is subject
16 to a civil penalty of not more than ten thousand dollars (\$10,000) for each
17 violation.

18 (j) A person who violates Section 8000 in connection with the production or
19 cultivation of a controlled substance is subject to a civil penalty of not more than
20 ten thousand dollars (\$10,000) for each violation.

21 (k) A person who violates Section 8010 in connection with the production or
22 cultivation of a controlled substance is subject to a civil penalty of not more than
23 ten thousand dollars (\$10,000) for each violation.

24 **Comment.** Section 4705 continues former Fish and Game Code Section 12025(a) without
25 substantive change.

26 **§ 4710. Conduct on other land**

27 4710. (a) In addition to any penalties imposed by any other law, a person found
28 to have violated the code sections described in this section in connection with the
29 production or cultivation of a controlled substance on land that the person owns,
30 leases, or otherwise uses or occupies with the consent of the landowner shall be
31 liable for a civil penalty as follows:

32 (1) A person who violates **Section 1602** in connection with the production or
33 cultivation of a controlled substance is subject to a civil penalty of not more than
34 eight thousand dollars (\$8,000) for each violation.

35 (2) A person who violates **Section 5650** in connection with the production or
36 cultivation of a controlled substance is subject to a civil penalty of not more than
37 twenty thousand dollars (\$20,000) for each violation.

38 (3) A person who violates **Section 5652** in connection with the production or
39 cultivation of a controlled substance is subject to a civil penalty of not more than
40 twenty thousand dollars (\$20,000) for each violation.

41 (4) A person who violates subdivision (a) of Section 374.3 of the Penal Code in
42 connection with the production or cultivation of a controlled substance is subject

1 to a civil penalty of not more than twenty thousand dollars (\$20,000) for each
2 violation.

3 (5) A person who violates paragraph (1) of subdivision (h) of Section 374.3 of
4 the Penal Code in connection with the production or cultivation of a controlled
5 substance is subject to a civil penalty of not more than twenty thousand dollars
6 (\$20,000) for each violation.

7 (6) A person who violates subdivision (b) of Section 374.8 of the Penal Code in
8 connection with the production or cultivation of a controlled substance is subject
9 to a civil penalty of not more than twenty thousand dollars (\$20,000) for each
10 violation.

11 (7) A person who violates Section 384a of the Penal Code in connection with the
12 production or cultivation of a controlled substance is subject to a civil penalty of
13 not more than ten thousand dollars (\$10,000) for each violation.

14 (8) A person who violates subdivision (a) of Section 4571 of the Public
15 Resources Code in connection with the production or cultivation of a controlled
16 substance is subject to a civil penalty of not more than eight thousand dollars
17 (\$8,000) for each violation.

18 (9) A person who violates Section 4581 of the Public Resources Code in
19 connection with the production or cultivation of a controlled substance is subject
20 to a civil penalty of not more than eight thousand dollars (\$8,000) for each
21 violation.

22 (10) A person who violates Section 8000 in connection with the production or
23 cultivation of a controlled substance is subject to a civil penalty of not more than
24 eight thousand dollars (\$8,000) for each violation.

25 (11) A person who violates Section 8010 in connection with the production or
26 cultivation of a controlled substance is subject to a civil penalty of not more than
27 eight thousand dollars (\$8,000) for each violation.

28 (b) Each day that a violation of a code section described in this section occurs or
29 continues to occur shall constitute a separate violation.

30 **Comment.** Section 4710 continues former Fish and Game Code Section 12025(b) without
31 substantive change.

32 **§ 4715. Consideration of civil penalty in conjunction with other penalties**

33 4715. (a) A civil penalty imposed for each separate violation pursuant to this
34 chapter is in addition to any other civil penalty imposed for another violation of
35 this chapter, or any violation of any other law.

36 (b) A civil penalty imposed or collected by a court for a separate violation
37 pursuant to this chapter shall not be considered to be a fine or forfeiture, as
38 described in Section 3610.

39 (c) A civil penalty imposed pursuant to this chapter for the violation of an
40 offense described in subdivision (d), (e), or (f) of Section 4705 or paragraphs (4),
41 (5), or (6) of subdivision (a) of Section 4710, for which the person was convicted,
42 shall be offset by the amount of any restitution ordered by a criminal court.

1 **Comment.** Subdivision (a) of Section 4715 continues former Fish and Game Code Section
2 12025(c) without substantive change.

3 Subdivision (b) continues the first part of former Fish and Game Code Section 12025(d)
4 without substantive change.

5 Subdivision (c) continues former Fish and Game Code Section 12025(g) without substantive
6 change.

7 **§ 4720. Apportionment of penalty**

8 4720. A civil penalty imposed or collected by a court for a separate violation
9 pursuant to this chapter shall be apportioned in the following manner:

10 (a) Thirty percent shall be distributed to the county in which the violation was
11 committed, pursuant to Section 3610. The county board of supervisors shall first
12 use any revenues from those penalties to reimburse the costs incurred by the
13 district attorney or city attorney in investigating and prosecuting the violation.

14 (b) (1) Thirty percent shall be distributed to the investigating agency to be used
15 to reimburse the cost of any investigation directly related to the violations
16 described in this chapter.

17 (2) If the department receives reimbursement pursuant to this subdivision for
18 activities funded pursuant to subdivision (f) of Section 4629.6 of the Public
19 Resources Code, the reimbursement funds shall be deposited into the Timber
20 Regulation and Forest Restoration Fund, created by Section 4629.3 of the Public
21 Resources Code, if there is an unpaid balance for a loan authorized by subdivision
22 (f) of Section 4629.6 of the Public Resources Code.

23 (c) Forty percent shall be deposited into the Timber Regulation and Forest
24 Restoration Fund, created by Section 4629.3 of the Public Resources Code, and
25 used for grants authorized pursuant to Section 4629.6 of the Public Resources
26 Code that improve forest health by remediating former marijuana growing
27 operations.

28 **Comment.** Section 4720 continues former Fish and Game Code Section 12025(d) without
29 substantive change.

30 **§ 4725. Imposition of administrative penalty by Department of Fish and Wildlife**

31 4725. (a) A civil penalty authorized pursuant to this chapter may be imposed
32 administratively by the department, if all of the following occur:

33 (1) The chief deputy director or law enforcement division assistant chief in
34 charge of marijuana-related enforcement issues a complaint to any person or entity
35 on which a civil penalty may be imposed pursuant to this chapter. The complaint
36 shall allege the act or failure to act that constitutes a violation, any facts related to
37 natural resources impacts, the provision of law authorizing an administrative
38 penalty to be imposed, and the proposed penalty amount.

39 (2) The complaint and order is served by personal notice or certified mail and
40 informs the party served that the party may request a hearing not later than 20 days
41 from the date of service. If a hearing is requested, it shall be scheduled before the
42 director or his or her designee, which designee shall not be the chief deputy or

1 assistant chief issuing the complaint and order. A request for a hearing shall
2 contain a brief statement of the material facts the party claims support his or her
3 contention that no administrative penalty should be imposed or that an
4 administrative penalty of a lesser amount is warranted. A party served with a
5 complaint pursuant to this subdivision waives his or her right to a hearing if a
6 hearing is not requested within 20 days of service of the complaint, in which case
7 the order imposing the administrative penalty shall become final.

8 (3) The director, or his or her designee, shall control the nature and order of
9 hearing proceedings. Hearings shall be informal in nature, and need not be
10 conducted according to the technical rules relating to evidence. The director or his
11 or her designee shall issue a final order within 45 days of the close of the hearing.
12 A copy of the final order shall be served by certified mail upon the party served
13 with the complaint.

14 (4) A party may obtain review of the final order by filing a petition for a writ of
15 mandate with the superior court within 30 days of the date of service of the final
16 order. The administrative penalty shall be due and payable to the department
17 within 60 days after the time to seek judicial review has expired, or, where the
18 party did not request a hearing of the order, within 20 days after the order
19 imposing an administrative penalty becomes final.

20 (5) The department may adopt regulations to implement this subdivision.

21 (d) All administrative penalties imposed or collected by the department for a
22 separate violation pursuant to this chapter shall not be considered to be fines or
23 forfeitures, as described in Section 3610.

24 (e) All administrative penalties imposed or collected by the department for a
25 separate violation pursuant to this chapter shall be deposited into the Timber
26 Regulation and Forest Restoration Fund, created by Section 4629.3 of the Public
27 Resources Code, to repay any unpaid balance of a loan authorized by subdivision
28 (f) of Section 4629.6 of the Public Resources Code. Any remaining funds from
29 administrative penalties collected pursuant to this chapter shall be apportioned in
30 the following manner:

31 (1) Fifty percent shall be deposited into the Timber Regulation and Forest
32 Restoration Fund for grants authorized pursuant to subdivision (h) of Section
33 4629.6 of the Public Resources Code, with priority given to grants that improve
34 forest health by remediating former marijuana growing operations.

35 (2) Fifty percent shall be deposited into the Fish and Game Preservation Fund.

36 **Comment.** Section 4725 continues former Fish and Game Code Section 12025(e) and (f)
37 without substantive change.

1 DIVISION 4. INTER-JURISDICTIONAL COMPACTS

2 PART 1. UNITED STATES

3 TITLE 1. ACCEPTANCE OF FEDERAL ACTS

4 **§ 4800. Assent to Public Law 415, 75th Congress**

5 4800. The State of California hereby assents to the provisions of the act of
6 Congress entitled “An act to provide that the United States shall aid the states in
7 wildlife-restoration projects, and for other purposes,” approved September 2, 1937
8 (Public Law 415, 75th Congress). The department, with the approval of the
9 commission, shall perform any acts needed to conduct or establish cooperative
10 wildlife-restoration projects, as defined in that act of Congress, in compliance with
11 that act and rules and regulations adopted under that act, and funds accruing to the
12 State of California from license fees paid by hunters shall not be diverted for a
13 purpose other than the administration of the department and the protection,
14 propagation, preservation, and investigation of fish and wildlife.

15 **Comment.** Section 4800 continues former Fish and Game Code Section 400 without change.

16 **§ 4805. Assent to Public Law 681, 81st Congress**

17 4805. The State of California hereby assents to the provisions of the act of
18 Congress entitled “An act to provide that the United States shall aid the states in
19 fish restoration and management projects, and for other purposes,” approved
20 August 9, 1950 (Public Law 681, 81st Congress). The department, with the
21 approval of the commission, may perform any acts needed to conduct or establish
22 cooperative fish restoration projects, as defined in that act of Congress, in
23 compliance with that act and rules and regulations adopted under that act, and
24 funds accruing to the State of California from license fees paid by fishermen shall
25 not be diverted for a purpose other than the administration of the department and
26 the protection, propagation, preservation, and investigation of fish and wildlife.

27 **Comment.** Section 4805 continues former Fish and Game Code Section 401 without change.

28 TITLE 2. MANAGEMENT OF FISH AND
29 WILDLIFE ON MILITARY LANDS

30 **§ 4850. Statement of policy**

31 4850. It is the policy of the state to actively encourage the biologically sound
32 management of fish and other wildlife resources on lands administered by the
33 United States Department of Defense. The department may develop a program to
34 implement this title in cooperation with the military services.

1 **Comment.** Section 4850 continues former Fish and Game Code Section 3450 without
2 substantive change.

3 **§ 4855. Coordination and cooperation with military services**

4 4855. The department may coordinate and cooperate with all branches of the
5 United States military service, Department of Defense, for the purpose of
6 developing fish and wildlife management plans and programs on military
7 installations. The plans and programs shall be designed to provide biologically
8 optimum levels of fish and wildlife resource management and use compatible with
9 the primary military use of those lands. Military lands involved in programs
10 developed pursuant to this title shall not be available to the general public without
11 the consent of the military service administering the lands.

12 **Comment.** Section 4855 continues former Fish and Game Code Section 3451 without
13 substantive change.

14 **§ 4860. Regulations and agreements authorized**

15 4860. The commission may adopt regulations and authorize the department to
16 enter into agreements with the United States Department of Defense for the
17 administration of this title.

18 **Comment.** Section 4860 continues former Fish and Game Code Section 3452 without
19 substantive change.

20 **§ 4865. Management plans and programs**

21 4865. (a) Upon approval of specific management plans and programs, which
22 reflect the recommendations of the department, the commission may authorize
23 actions and adopt regulations governing those actions pursuant to this title.

24 (b) The provisions of Sections 34520, 34525, and 34530 do not apply to
25 regulations adopted pursuant to this title.

26 (c) The activities conducted pursuant to this program shall be reviewed annually
27 by the department and the commission.

28 **Comment.** Section 4865 continues former Fish and Game Code Section 3453 without
29 substantive change.

30 **TITLE 3. FEDERAL BIRD RESERVATIONS**

31 **§ 4900. Acceptance of Migratory Bird Conservation Act**

32 4900. The people of the state, through their legislative authority, accept the
33 provisions and benefits of the act of Congress known as the “Migratory Bird
34 Conservation Act,” approved February 18, 1929. Upon approval by the
35 commission, they consent to the acquisition by the United States, by purchase,
36 lease, gift, or devise, of areas of land, water, or land and water, within the state,
37 that the United States or its properly constituted officers or agents may deem
38 necessary for migratory bird reservations in carrying out the provisions of the act

1 of Congress; saving and reserving, however, to the state full and complete
2 jurisdiction and authority over any areas that is not incompatible with the
3 administration, maintenance, protection, and control thereof by the United States
4 under the terms of the act of Congress, and saving and reserving to all persons
5 within those areas all rights, privileges, and immunities under the laws of the
6 State, insofar as they are compatible with the administration, maintenance,
7 protection, and control of those areas by the United States under the terms of the
8 act of Congress.

9 **Comment.** Section 4900 continues former Fish and Game Code Section 10680 without
10 substantive change.

11 **§ 4905. Consent of concerned county**

12 4905. Prior to approval by the commission under Section 4900, the legislative
13 body of the county concerned shall have given its written consent to the
14 commission for the proposed acquisition.

15 **Comment.** Section 4905 continues former Fish and Game Code Section 10681 without
16 substantive change.

17 **§ 4910. Insufficient payments from United States to county**

18 4910. (a) If in any year, on lands hereafter acquired, the in lieu payments from
19 the United States to the county, pursuant to the provisions of law, do not equal the
20 taxes assessed on a given project, the department shall pay from income derived
21 from hunting privileges on the project an amount equal to the balance of the taxes
22 on the entire project.

23 (b) For the purposes of this section, the taxes on a given project are the assessed
24 taxes on the project at the time of acquisition, plus any subsequent increases that
25 may accrue from general county increases in the tax rates, but not subject to re-
26 evaluation of the project properties after the time of acquisition.

27 **Comment.** Section 4910 continues former Fish and Game Code Section 10682 without
28 substantive change.

29 **Note.** In the first sentence of existing Section 10682 (which would be continued by proposed
30 Section 4910, the phrase “pursuant to the provisions of law” is ambiguous. It could refer to the
31 Migratory Bird Conservation Act, this title, or both. There is no appellate decision construing the
32 provision.

33 **The Commission requests public input on how to correctly resolve the ambiguity.**

34 **§ 4915. Federal compliance with state law**

35 4915. The consent of the state to the acquisition by the United States of land,
36 water, or land and water for migratory bird reservations in accordance with this
37 title, is subject to the condition that the United States conform to the laws of the
38 state relating to the acquisition, control, use, and distribution of water with respect
39 to the land acquired.

40 **Comment.** Section 4915 continues former Fish and Game Code Section 10683 without
41 substantive change.

1 **§ 4920. Conditions on continuing consent**

2 4920. The consent contained in Section 4900 continues only so long as the
3 property continues to belong to the United States and is held by it in accordance
4 and in compliance with each and all of the conditions and reservations as
5 prescribed in this title, and is used for the purposes for which it was acquired.

6 **Comment.** Section 4920 continues former Fish and Game Code Section 10684 without
7 substantive change.

8 **§ 4925. Additional consent**

9 4925. With the approval of the commission, the people of the state, through their
10 legislative authority, also consent to the declaration, withdrawal, or determination
11 of any part of any national forest or power site, and do further consent to the
12 condemnation of any lands lying and being below an elevation known and
13 described as minus 230-foot elevation below sea level, as a migratory bird
14 reservation under the provisions of the act of Congress cited in Section 4900.

15 **Comment.** Section 4925 continues former Fish and Game Code Section 10685 without
16 substantive change.

17 **PART 2. STATES AND OTHER JURISDICTIONS**

18 **TITLE 1. RECIPROCAL AGREEMENTS WITH**
19 **ADJOINING STATES**

20 **§ 5000. Reciprocal sport fishing license agreements**

21 5000. The commission, subject to the approval of the Attorney General, may
22 enter into reciprocal agreements with corresponding state or county official
23 agencies of adjoining states pertaining to the establishment of a basis whereby
24 valid sport fishing licenses issued by the parties to the reciprocal agreements may
25 be used by their licensees within the jurisdiction of either, in accordance with the
26 terms of the agreements.

27 **Comment.** Section 5000 continues former Fish and Game Code Section 390 without
28 substantive change.

29 **§ 5005. Reciprocal operational agreement with law enforcement**

30 5005. (a) The director, or a designated representative, may enter into reciprocal
31 operational agreements with authorized representatives of any Oregon, Nevada, or
32 Arizona state law enforcement agency, including, but not limited to, the Oregon
33 State Police, the Nevada Department of Wildlife, and the Arizona Game and Fish
34 Department, to promote expeditious and effective law enforcement service to the
35 public, and assistance between the members of the department and those agencies,
36 in areas adjacent to the borders of this state and each of the adjoining states
37 pursuant to Section 5010.

1 (b) The reciprocal operational agreement shall be in writing and may cover the
2 reciprocal exchange of law enforcement services, resources, facilities, and any
3 other necessary and proper matters between the department and the respective
4 agency.

5 (c) Any agreement shall specify all of the following:

6 (1) The involved departments, divisions, or units of the agencies.

7 (2) The duration and purpose of the agreement.

8 (3) Responsibility for damages.

9 (4) The method of financing any joint or cooperative undertaking.

10 (5) The methods to be employed to terminate an agreement.

11 (d) The director may establish operational procedures in implementation of any
12 reciprocal operational agreement that are necessary to achieve the purposes of the
13 agreement.

14 **Comment.** Section 5005 continues former Fish and Game Code Section 392 without
15 substantive change.

16 **§ 5010. Status of law enforcement officers of adjoining states**

17 5010. (a) A regularly employed law enforcement officer of an Oregon, Nevada,
18 or Arizona state law enforcement agency, including, but not limited to, the Oregon
19 State Police, the Nevada Department of Wildlife, or the Arizona Game and Fish
20 Department, is a peace officer in this state, if all of the following conditions are
21 met:

22 (1) The officer is providing, or attempting to provide, law enforcement services
23 within this state, within a distance of up to 50 statute miles of the contiguous
24 border of this state and the state employing the officer, or within waters offshore
25 of this state in the Exclusive Economic Zone.

26 (2) The officer is providing, or attempting to provide, law enforcement services
27 pursuant to either of the following:

28 (A) In response to a request for services initiated by a member of the
29 department.

30 (B) In response to a reasonable belief that emergency law enforcement services
31 are necessary for the preservation of life, and a request for services by a member
32 of the department is impractical to obtain under the circumstances. In those
33 situations, the officer shall obtain authorization as soon as practical.

34 (3) The officer is providing, or attempting to provide, law enforcement services
35 for the purpose of assisting a member of the department in response to
36 misdemeanor or felony criminal activity, pursuant to the authority of a peace
37 officer as provided in subdivision (e) of Section 830.2 of the Penal Code, or, in the
38 event of an emergency incident or other similar public safety problem, whether or
39 not a member of the department is present at the scene of the event.

40 (4) An agreement pursuant to Section 5005 is in effect between the department
41 and the agency of the adjoining state employing the officer, the officer acts in
42 accordance with that agreement, and the agreement specifies that the officer and

1 employing agency of the adjoining state shall be subject to the same civil
2 immunities and liabilities as a peace officer and his or her employing agency in
3 this state.

4 (5) The officer receives no separate compensation from this state for providing
5 law enforcement services within this state.

6 (6) The adjoining state employing the officer confers similar rights and authority
7 upon a member of the department who renders assistance within that state.

8 (b) Notwithstanding any other provision of law, a person who is acting as a
9 peace officer in this state in the manner described in this section shall be deemed
10 to have met the requirements of Section 1031 of the Government Code and the
11 selection and training standards of the Commission on Peace Officer Standards
12 and Training, if the officer has completed the basic training required for peace
13 officers in his or her state.

14 (c) A peace officer of an adjoining state shall not provide services within a
15 California jurisdiction during a period in which officers of the department are
16 involved in a labor dispute that results in a formal work slowdown or stoppage.

17 **Comment.** Section 5010 continues former Fish and Game Code Section 393 without
18 substantive change.

19 TITLE 2. INFORMATION RELEASE

20 **§ 5050. Release of information to other jurisdictions**

21 5050. The department may exchange or release to any appropriate federal, state,
22 or local agency or agencies in other states, for purposes of law enforcement, any
23 information collected or maintained by the department under any provision of this
24 code or any regulation adopted pursuant to this code.

25 **Comment.** Section 5050 continues former Fish and Game Code Section 391 without change.

26 TITLE 3. CALIFORNIA-ARIZONA COMPACT

27 **§ 5100. California-Arizona Compact authorized**

28 5100. (a) The commission may negotiate the terms of a compact between the
29 States of Arizona and California with any appropriate officials of the State of
30 Arizona in relation to reciprocal privileges and licenses for hunting and fishing by
31 residents of one of the states within the territorial jurisdiction of the other. The
32 negotiations shall include, but shall not be limited to, provisions relating to sport
33 fishing and the hunting of migratory waterfowl in, on, or along the Colorado
34 River.

35 (b) It is the primary purpose of this section to provide a method whereby the
36 hunting and fishing opportunities afforded by the Colorado River may be mutually
37 enjoyed by the residents of the States of Arizona and California despite the
38 difficulties and inconveniences that result from the fact that the boundary line

1 between the States of Arizona and California is the middle of the channel of the
2 Colorado River.

3 **Comment.** Section 5100 continues former Fish and Game Code Section 375 without
4 substantive change.

5 TITLE 4. WILDLIFE VIOLATOR COMPACT

6 CHAPTER 1. GENERAL PROVISIONS

7 § 5200. Enactment of Wildlife Violator Compact

8 5200. The Wildlife Violator Compact is hereby enacted into law and entered
9 into with all other participating states.

10 **Comment.** Section 5200 continues former Fish and Game Code Section 716 without change.

11 § 5205. Statement of policy

12 5205. It is the policy of this state in entering into the compact to do all of the
13 following:

14 (a) Promote compliance with the statutes, ordinances, and administrative rules
15 and regulations relating to the management of wildlife resources in this state.

16 (b) Recognize the suspension of wildlife license privileges of any person whose
17 license privileges have been suspended by a participating state and treat that
18 suspension as if it had occurred in the licensee's home state if the violation that
19 resulted in the suspension could have been the basis for suspension in the home
20 state.

21 (c) Allow a violator, except as provided in subdivision (b) of Section 5450, to
22 accept a wildlife citation and, without delay or detention, proceed on his or her
23 way whether or not the violator is a resident of the state in which the citation was
24 issued, if the violator's home state is a party to this compact.

25 (d) Report to the appropriate participating states, as provided in the compact
26 manual, any conviction recorded against any person whose home state was not the
27 issuing state.

28 (e) Allow the home state to recognize and treat convictions recorded against its
29 residents, if those convictions occurred in a participating state, as though they had
30 occurred in the home state.

31 (f) Extend cooperation to its fullest extent among the participating states for
32 enforcing compliance with the terms of a wildlife citation issued in one
33 participating state to a resident of another participating state.

34 (g) Maximize effective use of law enforcement personnel and information.

35 (h) Assist court systems in the efficient disposition of wildlife violations.

36 **Comment.** Section 5205 continues former Fish and Game Code Section 716.1 without
37 substantive change.

1 **Comment.** Section 5320 continues former Fish and Game Code Section 716.3(d) without
2 change.

3 **§ 5325. “Compliance”**

4 5325. “Compliance,” with respect to a citation, means the act of answering a
5 citation through an appearance in a court or tribunal, or through the payment of
6 fines, penalties, costs, and surcharges, if any.

7 **Comment.** Section 5325 continues former Fish and Game Code Section 716.3(e) without
8 change.

9 **§ 5330. “Conviction”**

10 5330. “Conviction” means a conviction, including, but not limited to, any court
11 conviction for an offense related to sport fishing, hunting, or trapping, that is
12 prohibited by statute, ordinance, or administrative rule or regulation, that involves
13 the forfeiture of any bail, bond, or other security deposited to secure appearance
14 by a person charged with having committed an offense, the payment of a penalty
15 assessment, a plea of nolo contendere, and the imposition of a deferred or
16 suspended sentence by the court.

17 **Comment.** Section 5330 continues former Fish and Game Code Section 716.3(f) without
18 substantive change.

19 **§ 5335. “Court”**

20 5335. “Court” means a court of law, including a magistrate’s court and a justice
21 of the peace court.

22 **Comment.** Section 5335 continues former Fish and Game Code Section 716.3(g) without
23 substantive change.

24 The reference to a “justice of the peace court” in Section 5335 is retained, notwithstanding the
25 elimination of such courts in California, based on the existence of such courts in other states that
26 are members of the Interstate Violator Compact.

27 **§ 5340. “Home state”**

28 5340. “Home state” means the state of primary residence of a person.

29 **Comment.** Section 5340 continues former Fish and Game Code Section 716.3(h) without
30 change.

31 **§ 5345. “Issuing state”**

32 5345. “Issuing state” means the participating state that issues a wildlife citation
33 to the violator.

34 **Comment.** Section 5345 continues former Fish and Game Code Section 716.3(i) without
35 change.

36 **§ 5350. “License”**

37 5350. “License” means any license, permit, entitlement to use, or other public
38 document that conveys to the person to whom it is issued the privilege of sport

1 fishing, hunting, or trapping, that is regulated by statute, ordinance, or
2 administrative rule or regulation of a participating state.

3 **Comment.** Section 5350 continues former Fish and Game Code Section 716.3(j) without
4 change.

5 **§ 5355. “Licensing authority”**

6 5355. “Licensing authority,” with reference to this state, means the department,
7 which is the state agency authorized by law to issue or approve licenses or permits
8 to sport fish, hunt, or trap.

9 **Comment.** Section 5355 continues former Fish and Game Code Section 716.3(k) without
10 change.

11 **§ 5360. “Participating state”**

12 5360. “Participating state” means any state that enacts legislation to become a
13 member of the wildlife compact.

14 **Comment.** Section 5360 continues former Fish and Game Code Section 716.3(l) without
15 change.

16 **§ 5365. “Personal recognizance”**

17 5365. “Personal recognizance” means an agreement by a person made at the
18 time of issuance of the wildlife citation that the person will comply with the terms
19 of the citation.

20 **Comment.** Section 5365 continues former Fish and Game Code Section 716.3(m) without
21 change.

22 **§ 5370. “State”**

23 5370. “State” means any state, territory, or possession of the United States, the
24 District of Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada,
25 and other countries.

26 **Comment.** Section 5370 continues former Fish and Game Code Section 716.3(n) without
27 change.

28 **§ 5375. “Suspension”**

29 5375. “Suspension” means any revocation, denial, or withdrawal of any or all
30 license privileges, including the privilege to apply for, purchase, or exercise the
31 benefits conferred by any license for sport fishing, hunting, or trapping.

32 **Comment.** Section 5375 continues former Fish and Game Code Section 716.3(o) without
33 change.

34 **§ 5380. “Terms of the citation”**

35 5380. “Terms of the citation” means those conditions and options expressly
36 stated upon a citation.

37 **Comment.** Section 5380 continues former Fish and Game Code Section 716.3(p) without
38 change.

1 **§ 5385. “Wildlife”**

2 5385. “Wildlife” means all species of animals including, but not limited to,
3 mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are
4 defined as “wildlife” and are protected or otherwise regulated by statute,
5 ordinance, or administrative rule or regulation in a participating state. The species
6 included in the definition of “wildlife” vary from state to state and the
7 determination of whether a species is “wildlife” for the purposes of this compact
8 shall be based on the law of the participating state.

9 **Comment.** Section 5385 continues former Fish and Game Code Section 716.3(q) without
10 change.

11 **§ 5390. “Wildlife law”**

12 5390. “Wildlife law” means any statute, regulation, ordinance, or administrative
13 rule or regulation developed and enacted for the management of wildlife resources
14 and the uses thereof.

15 **Comment.** Section 5390 continues former Fish and Game Code Section 716.3(r) without
16 change.

17 **§ 5395. “Wildlife officer”**

18 5395. “Wildlife officer” means any individual authorized in this state to issue a
19 citation for a wildlife violation.

20 **Comment.** Section 5395 continues former Fish and Game Code Section 716.3(s) without
21 change.

22 **§ 5400. “Wildlife violation”**

23 5400. “Wildlife violation” means the violation of a statute, ordinance, or
24 administrative rule or regulation developed and enacted for the management of
25 wildlife resources and the uses thereof pertaining to sport fishing, hunting, and
26 trapping and for which a prosecution is initiated.

27 **Comment.** Section 5400 continues former Fish and Game Code Section 716.3(t) without
28 change.

29 **CHAPTER 3. ISSUING STATE VIOLATION PROCEDURES**

30 **§ 5450. Issuance of citation**

31 5450. (a) Notwithstanding any other provision of law, when issuing a citation
32 for a wildlife violation for purposes of this title, a wildlife officer of the issuing
33 state may issue a citation to any person whose primary residence is in a
34 participating state in the same manner as though the person were a resident of the
35 issuing state, and shall not require that person to post collateral to secure
36 appearance, except as provided in subdivision (b), if the officer receives the
37 personal recognizance of the person that he or she will comply with the terms of
38 the citation.

1 (b) Personal recognizance is acceptable unless prohibited by ordinance of a city
2 or county, the policy of the issuing agency, a procedure or regulation, or by the
3 compact manual, and only if the violator provides adequate proof of identification
4 to the wildlife officer.

5 (c) Upon conviction or failure of a person to comply with the terms of a wildlife
6 citation, the appropriate wildlife officer shall report the conviction or failure to
7 comply to the licensing authority of the participating state in which the wildlife
8 citation was issued. The report shall be made in accordance with procedures
9 specified by the issuing state, and shall contain information as prescribed in the
10 compact manual.

11 (d) Upon receipt of the report of conviction or noncompliance pursuant to
12 subdivision (c), the licensing authority of the issuing state shall transmit to the
13 licensing authority of the home state of the violator the information in the form
14 and content prescribed in the compact manual.

15 **Comment.** Section 5450 continues former Fish and Game Code Section 716.4 without change.

16 CHAPTER 4. HOME STATE PROCEDURES

17 § 5500. Action by home state

18 5500. (a) Upon receipt of a report from the licensing authority of the issuing
19 state reporting the failure of a violator to comply with the terms of a citation, the
20 licensing authority shall notify the violator and shall initiate a suspension action.
21 The licensing authority shall suspend the violator's license privileges, in
22 accordance with the requirements of due process, until satisfactory evidence of
23 compliance with the terms of the wildlife citation has been furnished to the
24 licensing authority.

25 (b) Upon receipt of a report of conviction from the licensing authority of the
26 issuing state, the licensing authority of the home state may enter that conviction in
27 its records and may treat the conviction as though it occurred in the home state for
28 the purposes of the suspension of license privileges, if the violation that resulted in
29 the conviction would constitute a wildlife violation in the home state.

30 (c) The licensing authority of the home state shall maintain a record of actions
31 taken and shall make reports to issuing states as provided in the compact manual.

32 **Comment.** Section 5500 continues former Fish and Game Code Section 716.5 without change.

33 CHAPTER 5. RECIPROCAL RECOGNITION OF SUSPENSION

34 § 5550. Recognition of suspension in other state

35 5550. (a) As a participating member of the wildlife violator compact, the
36 licensing authority of this state may recognize the suspension of license privileges
37 of any person by any participating state if both of the following occur:

38 (1) The violation that resulted in the conviction would constitute a wildlife
39 violation in this state.

1 (2) The conviction that resulted in the suspension could have been the basis for
2 suspension under the statutes, ordinances, or administrative rules or regulations of
3 this state.

4 (b) The licensing authority shall communicate suspension information to other
5 participating states in the form and content prescribed by the compact manual.

6 **Comment.** Section 5550 continues former Fish and Game Code Section 716.6 without change.

7 CHAPTER 6. APPLICABILITY OF OTHER LAWS

8 **§ 5600. Right of participating state to apply its own laws**

9 5600. Except as expressly required by this title, this title shall not be construed
10 to affect the right of any participating state to apply any of its statutes, ordinances,
11 or administrative rules or regulations relating to license privileges to any person or
12 circumstance, or to invalidate or prevent any agreement or other cooperative
13 arrangement between a participating state and a nonparticipating state, concerning
14 wildlife law enforcement.

15 **Comment.** Section 5600 continues former Fish and Game Code Section 716.7 without change.

16 CHAPTER 7. COMPACT ADMINISTRATOR PROCEDURES

17 **§ 5650. Establishment, duties, and powers**

18 5650. (a)(1) A board of compact administrators is hereby established to serve as
19 a governing body for the resolution of all matters relating to the operation of this
20 compact. The board shall be composed of one member from each of the
21 participating states to be known as the compact administrator.

22 (2) A compact administrator of any participating state may provide for the
23 discharge of his or her duties and the performance of his or her functions as a
24 board member by an alternate, designated by that member. An alternate is not
25 entitled to serve unless written notification of his or her identity is provided to the
26 board.

27 (3) The compact administrator for this state shall be appointed by the director
28 and shall serve, and be subject to removal, in accordance with the laws of this
29 state.

30 (b) Each member of the board is entitled to one vote. No action of the board
31 shall be binding unless taken at a meeting at which a majority of the membership
32 of the board vote in favor thereof. Action by the board may only be taken at a
33 meeting at which a majority of the membership of the board is present.

34 (c) The board shall elect annually from its membership a chairperson and vice
35 chairperson.

36 (d) The board shall adopt bylaws, not inconsistent with this compact, and may
37 amend and rescind the bylaws.

38 (e) The board may accept for any of its purposes and functions under this
39 compact any donation and grant of money, equipment, supplies, materials, and

1 services, conditional or otherwise, from any state, the United States, or any
2 governmental agency, and may receive, utilize, and dispose thereof.

3 (f) The board may contract with, or accept services or personnel from, any
4 governmental or intergovernmental agency, individual, firm, or corporation,
5 including any private nonprofit organization or institution.

6 (g) The board shall formulate all necessary procedures and develop uniform
7 forms and documents for administering this compact. All procedures and forms
8 adopted pursuant to board action shall be contained in a compact manual.

9 **Comment.** Section 5650 continues former Fish and Game Code Section 716.8 without change.

10 CHAPTER 8. ENTRY INTO COMPACT AND WITHDRAWAL

11 **§ 5700. Application of compact**

12 5700. (a) This title shall become effective when it is adopted in substantially
13 similar form by this state and one or more other states, subject to the following
14 conditions:

15 (1) The entry into the compact shall be made by resolution executed and ratified
16 by authorized officials of the applying state and submitted to the chairperson of
17 the board of contract administrators.

18 (2) The resolution shall substantially be in the form and content as provided in
19 the compact manual, and shall include all of the following:

20 (A) A citation of the authority authorizing the state to become a party to this
21 compact.

22 (B) An agreement to comply with the terms and provisions of this compact.

23 (C) An agreement that the state entering into the compact agrees to participate
24 with all participating states in the compact.

25 (b) The effective date of entry into the compact shall be specified by the
26 applying state but shall not be less than 60 days after notice has been given by
27 either the chairperson or secretary of the board to each participating state that the
28 resolution from the applying state has been received.

29 (c) A participating state may withdraw from participation in this compact by
30 giving written notice to the compact administrator of each participating state. The
31 withdrawal shall not become effective until 90 days from the date on which the
32 written notice of withdrawal is sent to each participating state. The withdrawal of
33 any state shall not affect the validity of this compact as to the remaining
34 participating states.

35 **Comment.** Section 5700 continues former Fish and Game Code Section 716.9 without
36 substantive change.

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CHAPTER 9. AMENDMENTS TO THE COMPACT

§ 5750. Amendment

5750. (a) This compact may be amended periodically. Amendments shall be presented in resolution form to the chairperson of the board, and shall be initiated by one or more participating states.

(b) The adoption of an amendment requires endorsement by all participating states and becomes effective 30 days after the date of the last endorsement.

(c) The failure of any participating state to respond to the appropriate authority within 60 days after receipt of a proposed amendment constitutes endorsement thereof.

Comment. Section 5750 continues former Fish and Game Code Section 717 without change.

CHAPTER 10. CONSTRUCTION AND SEVERABILITY

§ 5800. Liberal construction

5800. This compact shall be liberally construed to effectuate its purposes.

Comment. Section 5800 continues former Fish and Game Code Section 717.1 without change.

§ 5805. Severability

5805. The provisions of this title are severable. If any provision of this title or its application is held invalid or contrary to the constitution of any participating state or of the United States, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Comment. Section 5805 continues former Fish and Game Code Section 717.2 without change.

TITLE 5. PACIFIC MARINE FISHERIES
COMPACT

CHAPTER 1. THE COMPACT

§ 5900. Authority to execute compact

5900. The Governor is hereby authorized and directed to execute a compact on behalf of this state with any or all of the states of Alaska, Idaho, Oregon, and Washington for the purpose of cooperating with those states in the formation of a Pacific States Marine Fisheries Commission.

Comment. Section 5900 continues former Fish and Game Code Section 14000 without substantive change.

1 **§ 5905. Form and content of compact**

2 5905. The form and contents of the Pacific Marine Fisheries Compact shall be
3 substantially as provided in this section and the effect of its provisions shall be
4 interpreted and administered in conformity with the provisions of this title:

5 **PACIFIC MARINE FISHERIES COMPACT**

6 The contracting states do hereby agree as follows:

7 **Article I**

8 The purposes of this compact are and shall be to promote the better utilization of
9 fisheries, marine, shell and anadromous, which are of mutual concern, and to
10 develop a joint program of protection and prevention of physical waste of those
11 fisheries in all of those areas of the Pacific Ocean over which the compacting
12 states jointly or separately now have or may hereafter acquire jurisdiction.

13 Nothing herein contained shall be construed so as to authorize the compacting
14 states or any of them to limit the production of fish or fish products for the purpose
15 of establishing or fixing the prices thereof or creating and perpetuating a
16 monopoly.

17 **Article II**

18 This agreement shall become operative immediately as to those states executing
19 it in the form that is in accordance with the laws of the executing state and when
20 the Congress has given its consent.

21 **Article III**

22 Each state joining herein shall appoint, as determined by state statutes, one or
23 more representatives to a commission hereby constituted and designated as the
24 Pacific States Marine Fisheries Commission, of whom one shall be the
25 administrative or other officer of the agency of that state charged with the
26 conservation of the fisheries resources to which this compact pertains. This
27 commission shall be invested with the powers and duties set forth herein.

28 The term of each commissioner of the Pacific States Marine Fisheries
29 Commission shall be four years. A commissioner shall hold office until a
30 successor shall be appointed and qualified but the successor's term shall expire
31 four years from legal date of expiration of the term of the predecessor. Vacancies
32 occurring in the office of a commissioner from any reason or cause shall be filled
33 for the unexpired term, or a commissioner may be removed from office, as
34 provided by the statutes of the state concerned. Each commissioner may delegate
35 in writing from time to time, to a deputy, the power to be present and participate,
36 including voting as a representative or substitute, at any meeting of or hearing by
37 or other proceeding of the commission.

1 Voting powers under this compact shall be limited to one vote for each state
2 regardless of the number of representatives.

3 Article IV

4 The duty of the said commission shall be to make inquiry and ascertain from
5 time to time any methods, practices, circumstances and conditions as may be
6 disclosed for bringing about the conservation and the prevention of the depletion
7 and physical waste of the fisheries, marine, shell, and anadromous in all of those
8 areas of the Pacific Ocean over which the states signatory to this compact jointly
9 or separately now have or may hereafter acquire jurisdiction. The commission
10 shall have power to recommend the coordination of the exercise of the police
11 powers of the several states within their respective jurisdictions and said
12 conservation zones to promote the preservation of those fisheries and their
13 protection against overfishing, waste, depletion or any abuse whatsoever and to
14 assure a continuing yield from the fisheries resources of the signatory parties
15 hereto.

16 To that end the commission shall draft and, after consultation with the advisory
17 committee hereinafter authorized, recommend to the governors and legislative
18 branches of the various signatory states hereto legislation dealing with the
19 conservation of the marine, shell, and anadromous fisheries in all of those areas of
20 the Pacific Ocean over which the states signatory to this compact jointly or
21 separately now have or may hereafter acquire jurisdiction. The commission shall,
22 more than one month prior to any regular meeting of the legislative branch in any
23 state signatory hereto, present to the governor of that state its recommendations
24 relating to enactments by the legislative branch of that state in furthering the
25 intents and purposes of this compact.

26 The commission shall consult with and advise the pertinent administrative
27 agencies in the signatory states with regard to problems connected with the
28 fisheries and recommend the adoption of any regulations that it deems advisable
29 and which lie within the jurisdiction of the agencies.

30 The commission shall have power to recommend to the states signatory hereto
31 the stocking of the waters of the states with marine, shell or anadromous fish and
32 fish eggs or joint stocking by some or all of the states and when two or more of the
33 said states shall jointly stock waters the commission shall act as the coordinating
34 agency for the stocking.

35 Article V

36 The commission shall elect from its number a chairperson and a vice
37 chairperson and shall appoint and at its pleasure remove or discharge any officers
38 and employees as may be required to carry the provisions of this compact into
39 effect and shall fix and determine their duties, qualifications and compensation.
40 Said commission shall adopt rules and regulations for the conduct of its business.

1 It may establish and maintain one or more offices for the transaction of its
2 business and may meet at any time or place within the territorial limits of the
3 signatory states but must meet at least once a year.

4 Article VI

5 No action shall be taken by the commission except by the affirmative vote of a
6 majority of the whole number of compacting states represented at any meeting. No
7 recommendation shall be made by the commission in regard to any species of fish
8 except by the vote of a majority of the compacting states which have an interest in
9 the species.

10 Article VII

11 The fisheries research agencies of the signatory states shall act in collaboration
12 as the official research agency of the Pacific States Marine Fisheries Commission.

13 An advisory committee to be representative of the commercial fishers,
14 commercial fishing industry and any other interests of each state as the
15 commission deems advisable shall be established by the commission as soon as
16 practicable for the purpose of advising the commission upon any
17 recommendations as it may desire to make.

18 Article VIII

19 Nothing in this compact shall be construed to limit the powers of any state or to
20 repeal or prevent the enactment of any legislation or the enforcement of any
21 requirement by any state imposing additional conditions and restrictions to
22 conserve its fisheries.

23 Article IX

24 Continued absence of representation or of any representative on the commission
25 from any state party hereto, shall be brought to the attention of the governor
26 thereof.

27 Article X

28 The states agree to make available annual funds for the support of the
29 commission on the following basis:

30 Eighty percent of the annual budget shall be shared equally by those member
31 states having as a boundary the Pacific Ocean. Not less than 5 percent of the
32 annual budget shall be contributed by any other member state. The balance of the
33 annual budget shall be shared by those member states having as a boundary the
34 Pacific Ocean, in proportion to the primary market value of the products of their
35 commercial fisheries on the basis of the latest five-year catch records.

1 The annual contribution of each member state shall be figured to the nearest one
2 hundred dollars (\$100).

3 Article XI

4 This compact shall continue in force and remain binding upon each state until
5 renounced by it. Renunciation of this compact must be preceded by sending six
6 months' notice in writing of intention to withdraw from the compact to the other
7 parties hereto.

8 Article XII

9 Hawaii or any other state having rivers or streams tributary to the Pacific Ocean
10 may become a contracting state by enactment of the Pacific Marine Fisheries
11 Compact. Upon admission of any new state to the compact, the purposes of the
12 compact and the duties of the commission shall extend to the development of joint
13 programs for the conservation, protection and prevention of physical waste of
14 fisheries in which the contracting states are mutually concerned and to all waters
15 of the newly admitted state necessary to develop the programs.

16 This compact shall become effective upon its enactment by the states signatory
17 to this compact and upon ratification by Congress by virtue of the authority vested
18 in it under Article 1, Section 10, of the Constitution of the United States.

19 **Comment.** Section 5905 continues former Fish and Game Code Section 14001 without
20 substantive change.

21 **§ 5910. Operation of compact**

22 5910. Participation by this State in this compact shall continue until the
23 Legislature otherwise provides by law. Notice of intention to withdraw from the
24 compact shall be executed and transmitted by the Governor after the Legislature
25 provides by law for discontinuance of participation therein by this State.

26 **Comment.** Section 5910 continues former Fish and Game Code Section 14002 without
27 substantive change.

28 CHAPTER 2. THE COMMISSION

29 **§ 5950. Members**

30 5950. In furtherance of the provisions contained in the compact there shall be
31 three members of the Pacific States Marine Fisheries Commission from the State
32 of California, appointed by the Governor by and with the advice and consent of
33 the Senate. One commissioner shall be the administrative or other officer of the
34 department or agency of this state charged with the conservation of its marine
35 fisheries resources. Another commissioner shall be a Member of the Legislature of
36 this state who is a member of a committee on interstate cooperation of the

1 Legislature. Another member shall be a citizen of this state who shall have wide
2 knowledge of and interest in the marine fisheries problem.

3 **Comment.** Section 5950 continues former Fish and Game Code Section 14100 without
4 substantive change.

5 **§ 5955. Term**

6 5955. The term of each commissioner shall be four years. A commissioner shall
7 hold office until a successor shall be appointed and qualified but the successor's
8 term shall expire four years from the legal date of expiration of the term of the
9 predecessor. Any commissioner may be removed from office by the Governor
10 upon charges and after a hearing. The term of any commissioner who ceases to
11 hold the qualifications required shall terminate when a successor may be duly
12 appointed. Vacancies occurring in the office of a commissioner from any reason or
13 cause shall be filled for the unexpired term in the same manner as for a full term
14 appointment.

15 **Comment.** Section 5955 continues former Fish and Game Code Section 14101 without
16 substantive change.

17 **§ 5960. Compensation**

18 5960. Each commissioner who is not also a state officer shall receive one
19 hundred dollars (\$100) for each day of performing official duties pursuant to the
20 direction of the commission, and each commissioner shall receive actual and
21 necessary travel expenses incurred in performing official duties on behalf of the
22 commission.

23 **Comment.** Section 5960 continues former Fish and Game Code Section 14102 without
24 substantive change.

25 **Note.** Section 14102 provides for a per diem of \$10. That provision appears to be obsolete.
26 See Gov't Code § 11564.5 (default per diem is \$100, notwithstanding any other provision of law).
27 Proposed Section 5960 provides for the \$100 per diem provided under the Government Code.

28 **The Commission invites comment on whether this revision would be consistent with**
29 **existing practice.**

30 **§ 5965. Performance**

31 5965. All officers of the state are authorized and directed to do all things falling
32 within their respective provinces and jurisdiction necessary or incidental to the
33 carrying out of the compact in every particular. The policy of this state is to
34 perform and carry out the compact and to accomplish the purposes thereof. All
35 officers, bureaus, departments, and persons of and in the state government or
36 administration of the state are hereby authorized and directed at convenient times
37 and upon request of the commission to furnish the commission with information
38 and data possessed by them and to aid the commission by any means lying within
39 their legal rights.

40 **Comment.** Section 5965 continues former Fish and Game Code Section 14103 without
41 substantive change.

1 **§ 5970. Annual report**

2 5970. The commission shall keep accurate accounts of its activities and shall
3 report to the Governor and the Legislature on or before the thirty-first day of
4 December in each year, setting forth in detail the transactions conducted by it
5 during that calendar year and shall make recommendations for any legislative
6 action deemed by it advisable, including amendments to the statutes that may be
7 necessary to carry out the intent and purposes of the compact between the
8 signatory states.

9 **Comment.** Section 5970 continues former Fish and Game Code Section 14104 without
10 substantive change.

11 **§ 5975. Execution of compact**

12 5975. When the Governor on behalf of the state executes the compact, the
13 Governor shall sign under a recital that the compact is executed pursuant to the
14 provisions thereof, subject to the limitations and qualifications contained in the
15 sections of this title in aid and furtherance thereof.

16 **Comment.** Section 5975 continues former Fish and Game Code Section 14105 without
17 substantive change.

DISPOSITION OF FORMER LAW

The table below shows the relationship between each provision of the existing Fish and Game Code and the corresponding provision of the proposed law (if any).

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
1	1(a)	64	85
2	200	67	620
3 1st sent	10(a)	68	645
3 2nd sent	25	70	660
4	30	73	35(f), (g)
5	40	75	680
6	45	79	80
7	50 (1st sent)	80	95
8	55	81	695
9	60	82	700
9.2	725	83	735
10	65	86	755
11	70	88	760
12	3500(b)	89	655
13	75	89.1	740, 790
13.5	205	89.5	800
14	215	90	not cont'd
15	220	90.1	not cont'd (see Note on proposed § 205)
16	210	90.5	265
17	225	90.7	340
18	230	91	350
19	635	93	365
22	245	94	410
24	260	96	525
27	270	96.5	540
29	275	97	600
30 1st cl	305	97.5	605
30 2nd cl	310	98	610
32	315	98.2	615
33	320	98.5	625, 745
35	795	99	670
35 1st cl	325	99.5	750
37	335	101	900
39	345	101.5	905
41	355	102	910
43	360	103	915
45	380	104	935
46	475	105	925
48	480	106	930
51	485	107	940
54	505	108	1200
54.5	520	110	920
55	550	200(a), (b)(1), (b)(2) 1st sent, (c)	1000
56	565	200(b)(2) 2nd sent	720
57	580	200(b)(2) 3rd sent	705
60	585	201	1005
61	590	203	1010
62	595	203.1	1020

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
205	1015	401	4805
219	1025	450	34500
250	1100	451	34530(e)
255	1105	452	34505
260	1110	453	34510(a)
265	1115	454	34510(b)
270	1120	455	34510(c)
275	1125	456 1st sent	34515(a)
301	1205	456 2nd sent	not cont'd
302	33400(a)	456 3rd sent	34515(b)
303	33400(b)	457	34520
306	8700	458	34525
307	8705	459	34525
308	8720	460	34530(a)-(d)
308.5	35820	500	9360
309(a)	1300	700	1500
309(b)	1305	701	1515
310	41000	701.3	1520
312	9150	701.5	1915(a), (b)
313	44350	702	1505
314	8710(a)	702.1	4315
315	8710(b)	703(a)	1510
315.3	8715	703.3	2410
316	39805	703.5	2400
316.5	41010	704	1525
317	10310	706	1530
325	10500(a)(1)-(3)	707	1605(a)
326	10505(a)	709	32965(a), 34245(a), 34870(a), 35825(a)
327	10510	710	3450
328 1st sent	10505(b)	710.5	3455
328 2nd sent	10515	710.7	3460
329	10500(a)(4)	711	3465
330	10500(b)	711.2(a)	640
331(a)	33000	711.2(b)	1605(b), 1915(c), 9100(i)
331(b) 1st-3rd sent	32955	712	3470
331(b) 4th sent	32960(b)	713	3755
331(c), (d)	32950	714	9100(a)-(h)
332(a)	34950	715	1910
332(b)	34850	716	5200
332(c)	34860	716.1	5205
332(d), (e)	34855	716.2	5210
355 1st, 2nd para	29210	716.3 intro.	5300
355 3rd para	29220	716.3(a)	5305
356 1st para	29200	716.3(b)	5310
356 2nd para	29215	716.3(c)	5315
357	29225	716.3(d)	5320
375	5100	716.3(e)	5325
390	5000	716.3(f)	5330
391	5050	716.3(g)	5335
392	5005	716.3(h)	5340
393	5010	716.3(i)	5345
395	30100	716.3(j)	5350
396	30105(a), (b)	716.3(k)	5355
398	30105(c)	716.3(l)	5360
399	1250	716.3(m)	5365
400	4800	716.3(n)	5370

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
716.3(o).....	5375	1050(a).....	2905
716.3(p).....	5380	1050(b).....	2805
716.3(q).....	5385	1050(c).....	2910
716.3(r).....	5390	1050(d).....	3000
716.3(s).....	5395	1050(e).....	3750
716.3(t).....	5400	1050(f).....	3005
716.4.....	5450	1050.1.....	2815
716.5.....	5500	1050.3.....	2925
716.6.....	5550	1050.5.....	3010
716.7.....	5600	1050.6.....	2915
716.8.....	5650	1050.8.....	3665
716.9.....	5700	1051.....	2810
717.....	5750	1052.....	3050
717.1.....	5800	1052.5.....	2820
717.2.....	5805	1053.1(a).....	2930
850.....	1600	1053.1(b).....	not cont'd
851.....	4100	1053.5.....	10205
853.....	4110	1054(a).....	2300
854.....	4115	1054(b).....	2920
855.....	4305	1054(c).....	2300, 2920
856.....	4105	1054.2.....	8300(a)
856.5.....	4320	1054.5.....	2900
857.....	1610	1054.8.....	2940
858(a).....	1615	1055.1(a), (b).....	3200
858(b).....	4120	1055.1(c) 1st sent.....	3250(a)
859.....	3660	1055.1(c) 2nd sent.....	3250(c)
860.....	3670	1055.1(c) 3rd, 4th sent.....	3250(b)
875.....	4200	1055.1(d)-(f).....	3350
876.....	4210	1055.1(g).....	3205
877.....	4205	1055.1(h).....	not cont'd
878.....	4215	1055.3.....	3210
879.....	4220	1055.6(a).....	3255(a)
880.....	4225	1055.6(b).....	3255(b)
881.....	4230	1055.6(c).....	3355
882.....	4235	1055.6(d).....	3255(c)
1000.....	1745	1055.6(e).....	not cont'd
1000.6.....	40955	1056.....	3370
1001.....	1700	1057.....	3365
1002.....	9200	1058.....	3375
1002.5.....	9205	1059.....	3360(a), (b)
1003.....	9210	1061.....	2935
1004.....	1705	1065.....	3260
1005.....	1750	1068.....	50655
1005.5.....	1755	1069.....	23200
1006.....	1715	1110.....	15200
1007.....	1710	1120.....	25100
1008.....	1720	1121.....	25105
1009.....	2105	1122.....	25110
1011.....	2200	1122.5.....	25130
1012.....	2205	1123.....	25405
1013.....	2210	1123.5.....	25855
1015.....	1725	1124.....	11505
1017.....	1740	1125.....	25420
1019.....	2100	1126.....	25115
1020.....	2405	1150.....	25120
1021.....	49850	1170.....	25200

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
1171	25205	2012	8305
1172	25210	2013	90
1173	25215	2014	8450
1174	25220	2015	28600
1175	25225	2016	9580
1200	25300	2018	8135
1201	25305	2019	9730
1202	25310	2020	4405
1203	25315	2021	42610(a)-(d)
1204	25320	2021.5(a)	42610(e), (f)
1205	25325	2021.5(b)	42615
1206	25330	2022(a)	28650
1210	25135	2022(b), (c)	28655
1225	3650	2022(d)	28660
1226(a)	3655	2022(e)	28665
1226(b)	1900	2022(f), (i)	28670
1227	1905	2022(g)	28675
1502	1730	2022(h)	28680
1503	34535	2022(j)	28685
1575	10700	2116	26500
1725	11700	2116.5	26510
1726	11705	2117	26505
1726.1	11710	2118	26520
1726.4	11715	2118.2	35050
1726.5	11720	2118.3	34815
1727	11725	2118.4	35055
1728	11730	2118.5	26525
1729	11735	2119	26535
1730	11740	2120	26515
1740	38900	2121	26545(a)
1741	38905	2122	26530
1742	38910	2123	26540
1743	38915	2124	26550
1745(a)	2000	2125(a)-(c)	26560
1745(b)(1)	2005	2125(d)	26565
1745(b)(2)	2010	2126	26555
1745(c), (d)	2015	2127	26575
1745(e)-(g)	2020	2128	28750
1745(h)	2025	2150(a)	26700
1745(i)	2035	2150(b)	26705
1745(j)	2030	2150(c)-(f)	26710
1745.1	2040	2150.1	26715(b)
2000	8000	2150.2	26715(a)
2000.5	8005	2150.3	26720
2001	8015	2150.4	26725
2002	8010	2150.5	26730
2003	8115	2151	26735
2004	8120	2152	26740
2005	8125	2153	26745
2006	9715	2155	26750
2007	9560	2156	26755
2009(a), (c)-(f)	8130(a), (b), (d), (e)	2157(a)	26760
2009(b)	8130(c)	2157(b), (d)	26765
2010	9555	2157(c)	26770
2011	9735	2185(a)	26905
2011.5	9725	2185(b)	26900

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
2186(a)	26910	2361	41050
2186(b)	26900	2362	38705, 38875(a), 38875(b), 44650
2187(a)	26915	2363	38865(b), 42455, 43200
2187(b)	26900	2364	46550
2189(a)	27000	2365	49315
2189(b), (c)	27005	2368	46255
2189(d)-(f)	27010	2369	46260
2190	26545(b)	2371	45750
2192	26580	2400	28500
2193(a)	26775	2401	28505
2193(b), (c)	26780	2535	8800
2195	26570	2536	8805
2200	27100	2537	8810
2201	27105	2538	8900
2202	27110	2539	8815
2203	27115	2540(a), (b), (d), and (e)	8905
2225	28000	2540(c)	8910
2250	35615	2541	8915
2270	28100	2542	8820
2270.5	28105	2543	8825
2271	28110	2544	8920
2272	28115	2545	8925
2300(a), (b)	28250	2546	9000
2300(c)	28255	2575	37455(b)
2301(a)(1)	49950	2576	37455(a)
2301(a)(2)(A)-(D)(i), (c)(2)	49960	2580	9300
2301(a)(2)(D)(ii)-(iv)	49965	2581	9310(a)
2301(b)	49970	2582	9305
2301(c)(1)	49975	2583(a) 1st sent	9320
2301(d)	49980	2583(a) 2nd, 3rd sent	9325
2301(e)	49955	2583(b)	9310(c)
2301(f)	49995	2584(a)	9315
2301(g)	49985	2584(b)-(h)	9330
2301(h)	49990	2585	9335
2301(i)	50000	2586(a)	4300
2302(a), (b)	50105	2586(b)	4300, 9310(b)
2302(c)	50110	2587(a)	9340
2302(d)	50115	2587(b)	9345
2302(e)	50120	2588	9350
2302(f) 1st, 2nd sent	50130	2589	9355
2302(f) 3rd sent	50125	2760	11900
2302(g)	50100	2761	11905
2345	28400	2762	11910
2346	28405(a)	2762.2	11915
2347	28405(b)	2762.5	11920
2348	28410	2762.6	11925
2349	28415	2763	11930
2350	29375, 34120	2764	11935
2352	28420	2765	11940
2353	28425	3000	9590
2354	40705	3001	9710
2355	34125	3002	9550
2356	43850	3003	9575
2358	43855	3003.1(a) 1st sent, (b), (c)	11110(a)
2359	38865(a)	3003.1(a) 2nd-3rd sent	250
2360	38850, 38860	3003.1(d)	11100

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
3003.2	8140(a)	3204 2nd para	26025
3003.5	9570	3205	26030
3004(a)	9700	3206	26035
3004(b)	9705	3207	26040
3004.5(a)	10000	3208	26045
3004.5(b)	10005(a)	3209	26050
3004.5(c)	10010	3212	26055
3004.5(d)	10015	3213	26060
3004.5(e)	10020	3214	26065
3004.5(f)	10030	3216	26070
3004.5(g)	10025(a)	3217	26075
3004.5(h)	10025(b)	3218	26080
3004.5(i)	10005(b)	3219	26085
3004.5(j)	10005(c)	3240.5(a)	10600
3005(a)	9565(a)	3240.5(b)	10605
3005(c)	9565(b)	3240.5(c), (d)	10610
3005(d)	9565(c)	3241	10615
3005.5	9740	3242	10620
3006	33225, 34115, 34810	3243.5	10625
3007	9500(a)	3245	10630
3008	9720	3246	10635
3009	10100	3270(a)	29365
3010	30910(a)	3270(b)	not cont'd
3011	33200	3300 1st para, 1st sent	26205
3012	9585	3300 1st para, 2nd sent	26210(a)
3031	10210	3300 2nd para	26200
3032(a)(1)	31500	3301 1st sent	26210(b)
3031.2	10225	3301 2nd, 3rd sent	26215
3031.5	10215	3302	26220
3032(a)(2)-(d)	31505	3303 1st, 2nd sent	26225
3033	10300	3303 3rd sent	26230
3037	10220	3305	26235
3038	10305	3306 1st, 2nd para	26240
3040	10230	3306 3rd para	26245
3049	10400	3307 1st para, 1st sent	26250(b)
3050	10200	3307 1st para, 2nd sent	26250(a)
3051	10405	3307 2nd para	26255
3052	10410	3308	26265
3053	10415	3309	26260
3054	10420	3310	26270
3060	10355	3311	26275
3061	10350	3450	4850
3062	10360	3451	4855
3063	10365	3452	4860
3080(a)	10800	3453	4865
3080(b)	10805	3500(a)	665
3080(c)	10810	3500(a)(10)	30900
3080(d)	10815	3500(a)(11)	31100
3080(e)	10820	3500(b)	545
3086	10825	3500(b)(1)	30500
3087	10830	3500(b)(6)	31000
3200	26000	3500(c)	450
3201	26005	3501	29355
3202	26010	3502	29350
3203	26015	3503	28905(a)
3204 1st para	26020	3503.5	30105(a), 30105(b), 30110(a)

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
3504	28910	3704.5 1st para, 2nd sent	30555
3505	30300, 30700, 30750, 30800, 30850	3704.5 1st para, 3rd sent	30550
3508	29360	3704.5 2nd para	not cont'd
3511(a)(1) 1st, 2nd sent	30200(a), (b)	3705	30560(b)
3511(a)(1) 3rd-6th sent, (a)(2)	30205	3800(a) 1st sent	570
3511(a)(3)	30210	3800(a) 2nd sent	29850(a)
3511(b)	420	3801	31050
3511(b)(5)	30350	3801.5	29860
3513	29855(a)	3801.6(a)	30000
3514	370	3801.6(b)(1)	30005
3515	29705	3801.6(b)(2) 1st sent	30015
3516 1st para	29700	3801.6(b)(2) 2nd-4th sent	30010(a)
3516 2nd para	29650	3801.6(c)	30010(b)
3660	30910(b)	3802	30115
3680	31010	3803	28915
3681	30510	3806	29205
3682.1(a)	29500	3850	30360
3682.1(b)	29505	3851	30365
3682.1(c)	not cont'd	3852	30370
3682.2	29510	3853	30375
3683	775	3854	30380
3683(a)(11)	30900	3855	30385
3683(a)(12)	31100	3856	30390
3683(b)(4)	31000	3857	30395
3684(a)	29515(a)	3860	29050
3684(b)	29515(b)	3861	29055
3684(c) 1st sent	29515(d)	3862	29060
3684(c) 2nd sent	29520(a)	3863	29065
3684(c) 3rd sent	29525	3950(a)	460(a)(1)-(4), 460(a)(6)-(9), 32900, 33100, 34100, 34800, 35300(a), 35700, 36000, 37100, 37450
3684(c) 4th, 5th sent	29520(b)	3950(b)	460(a)(5)
3684(d)	29530(a)	3950.1	460(b), (c)
3684(e) 1st sent	29540	3950.1(a)	35300(b)
3684(e) 2nd sent	29515(e)	3950.1(b)	35310
3684(f)	29545	3951	34960
3684(g)	29515(c)	3952	34955
3686 1st sent	29520(c)	3953(a)	31900
3686 2nd sent	29530(b), 29535	3953(b) 1st sent	32960(a), 34865, 35830(a), 37220
3700.1(a)	30505(a)	3953(b) 2nd sent	32965(b), 33305, 34240, 34245(b), 34870(b), 35825(b)
3700.1(b)	30515	3953(c)	31905
3700.1(c)	not cont'd	3953(d)	31910
3700.2(a)-(f)	30520	3953(e) 1st sent	31915
3700.2(g)	30525(a)	3953(e) 2nd sent	31920
3701 1st sent	30530	3953(f)	31925
3701 2nd sent	30535(a)	3953(g)	31930
3702 1st sent	30540	3960(a)	31500
3702 2nd sent	30555	3960(b)	31510(a)
3702 3rd sent	30550	3960(c)(1), (2), (4)	31550
3702.1	30565	3960(c)(3)	31510(b)
3702.5 1st para	30525(b)	3960.2	33515
3702.5 2nd para	not cont'd	3960.2(a)	31500, 33755
3703	30560(a)	3960.2(b), (d), (e)	33905
3704 1st para, 1st-2nd sent	30535(b)	3960.4	33600, 33755
3704 1st para, 3rd sent	30535(c)		
3704 1st para, 4th sent	30545		
3704 2nd para	not cont'd		
3704.5 1st para, 1st sent	30570		

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
3960.4(a).....	31500	4155(d).....	33800
3960.4(b)-(d).....	33950	4155(e).....	33815
3960.6.....	33505, 33755	4155(f).....	33820
3960.6(a).....	31500	4180.....	32155
3960.6(b).....	33900	4180.1 1st para.....	31605(a)
3961.....	31555	4180.1 2nd para.....	31605(b)
4000.....	435, 33700, 35200, 35600	4181(a).....	31110, 33520(a)-(e) and (g), 33710, 35000(a)-(d) and (g), 36015, 37150, 37360(a)-(d) and (f)
4002.....	32150(a)	4181(b).....	33520(f)
4003.....	32150(b)	4181(c).....	37355(f), 37360(e)
4004(a).....	11150	4181(d).....	35000(e), (f)
4004(b).....	11105	4181.1(a).....	33510(a)
4004(c).....	11020(a), (b)	4181.1(b).....	37355(a)-(d)
4004(d).....	11000	4181.1(c).....	33510(b), 37355(e)
4004(e).....	11155	4181.1(d).....	33510(c)
4004(f).....	11005	4181.1(e).....	33510(d)
4004(g).....	11010	4181.2.....	37350
4005(a) 1st sent.....	11200(a), (b)(1)	4181.5.....	34600
4005(a) 2nd sent.....	650	4185.....	33650
4005(b).....	11210	4186.....	35705
4005(c).....	11200(b)(6)	4188.....	31115, 34605, 37365
4005(d).....	11205	4190.....	31610
4005(e).....	11200(b)(2)-(5)	4301(a) 1st sent.....	34400(b), (c)
4005(f).....	37460	4301(a) 2nd-4th sent.....	34405(b)-(d)
4006(a).....	11215(a)	4301(b).....	34400(a), 34405(a)
4006(b).....	11230	4302.....	34110
4006(c).....	11215(b)	4303.....	34410
4007.....	11220	4304.....	31800, 34415
4008.....	11225	4304 1st sent.....	29370
4009.....	11015	4330.....	34200(a)
4009.5.....	11235	4331.....	34220
4010.....	26400	4332(a)-(d).....	33225
4011.....	31700	4332(e).....	not cont'd
4012.....	35210	4333.....	34230
4030.....	11300	4334.....	34215
4031.....	11305	4336.....	34205
4032.....	11315(a), (b)	4340.....	34235
4033.....	11315(c)	4341.....	34210
4034.....	11310	4370.....	34350
4035.....	11320	4371.....	34355
4036.....	11350	4500.....	32500(a)-(c)
4037.....	11325(a)	4500(c).....	530
4038.....	11325(b)	4500(c).....	37000
4040.....	11330	4501.....	35755
4041.....	11335	4502.5.....	37050
4042.....	11340	4600.....	34055(a)-(c)
4043.....	11355	4650.....	37105
4150.....	35700	4651.....	37300
4150 1st sent.....	575(a)	4652.....	37150
4150 2nd sent.....	32300	4653.....	37200
4151.....	575(b)	4654.....	37205, 37215
4152.....	32305, 35215, 35610, 35710, 36010	4655.....	37210
4153 1st para.....	32310(a)	4656.....	not cont'd
4153 2nd para.....	31600	4657.....	37155
4154.....	32310(b)	4700(a)(1) 1st, 2nd sent.....	32700(a), (b)
4155(a).....	33805		
4155(b), (c).....	33810		

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
4700(a)(1) 3rd-6th sent, (a)(2)	32705	5510	13710
4700(a)(3)	32710	5511	24905
4700(b)	430	5514	41005, 43950
4700(b)(1), (b)(7)	37450	5515(a)	38200(a)-(d), (g)
4700(b)(2)	35800	5515(b)	425
4700(b)(6)	37000	5516	11535
4700(b)(8)	35750	5517	42605
4750	33205(a)	5520	46000
4751	33300	5521	45800
4752	33310	5521.5	45805
4753	33210	5521.6	45810
4754	33315	5522(a), (b)	46005
4755	33215	5522(c)	46010
4757	33220	5522(d)	46015
4758	33455	5522(e)	46020
4759 1st sent	33450(a)	5523	11500
4759 2nd, 3rd sent	33450(b)	5669	45500(a)
4760	33110	5670	45505
4763	33500	5671	45500(a)
4800(a)-(c)	35350	5672 1st para	45510(a)
4800(d)	35310	5672 2nd para	45505
4801	35400	5673	45510(b)
4801.5	35440	5674	45515
4802	35405	5675	45500(b)
4803	35410	5700	45450
4804	35415	5701	45455
4805	35420	5701.5	45460
4806	35425	5702	45465
4807	35430	6300	37950
4808	35315	6300	52000
4809	35435	6301	37955, 52005
4810	35500	6302	37960, 52010
4900	35810	6303	37965, 52015
4901	35815	6304	37970, 52020
4902(a), (b)	35900	6305	37975, 52025
4902(c)	35910	6306	37980, 52030
4902(d)	35905(a), (b)	6400	25415
4902(e)	35905(c)	6400.5	38870
4903	35915	6401	25410
4903 3rd, 4th sent	35830(b)	6402	25850
5000	53305	6403	13255(c), 25400, 39150
5001	53315	6420	25600
5002	53310	6421	25605
5050(a)	52200(a)-(d), (g); 53000(a)-(d), (g)	6422	25610
5050(b)(1), (2)	440	6423	25615
5050(b)(3)-(5)	415	6424	25620(a)
5060	53100	6425(a)	not cont'd
5061	53105	6425(b)	25620(b)
5062	53200	6440	39205
5500	8145	6450	39210
5501	11540	6451	39215
5503	11525	6452	39220
5505	11530, 45250, 45400, 51905	6453	39235
5507	11510	6454	39230
5508	11515	6455	39225
5509	11520	6456	39200

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
6457	39240	7051	12105
6460	39245	7055	12150
6590	25700	7056	12155
6591	25705	7058	12160
6592	25710	7059	12165
6593 1st, 3rd sent	25720	7060	12200
6593 2nd sent	25715(b)	7062	12205
6594	25715(a)	7065	12250
6595	25725	7066	12255
6596.1(a) 1st, 3rd sent	12910(a), (b)	7070	12300
6596.1(a) 2nd sent, (f)	13255(a)	7071(a)	12305
6596.1(b)	21935	7071(b), (c)	12310
6596.1(c)	38875(c)	7072(a)-(c)	12315
6596.1(d)	14620	7072(d)	12320
6596.1(e)	not cont'd	7073	12325
6596.1(f)	14620	7074	12330
6596.1(g)	13255(b), 21935(c)	7075	12400
6597	25730	7076	12405
6597.5	25735	7077	12410
6598	25740	7078(a)-(c)	12415
6850	52400	7078(d)	12420
6851	52450	7078(e), (f)	12425
6852	52460	7080	12500
6854	52455	7081	12510
6855	52465	7082	12515
6880	52500	7083	12520
6881 1st sent	52505	7084	12525
6881 2nd sent	52510	7085	12530
6882	52505	7086	12535
6883	52515	7087(a)	12505
6884	52505	7087(b)	12540(a)
6885	52520	7088	12540(b)
6895	52300	7090(a)	12600
6896	52305	7090(b)(1), (b)(2) 1st sent	12605
6900	11800	7090(b)(2) 2nd sent (b)(2)(A)-(E)	12610
6901	11810	7090(c)	12615
6902	11815	7090(d)	12620
6903	11820	7090(e)	12625
6903.5	25125	7090(f)	12630
6910	11805	7090(g)	12635
6911	11805	7090(h)	12640
6912	11805	7100	12805
6920(a)	11825(a)	7110	13800
6920(b)	11830	7115	13805
6921	11825(b)	7120	13500
6922	11845	7121 1st para	13600
6923	11840	7121 2nd para	13605
6924	11835	7123	40710
6930	11850	7145(a)	12900, 13000
6950	41100	7145(b)	13010
6952	41105	7147	13610
6953	41110	7147	21930
6954	41115	7149.05(a)	12850, 13100(a)
6955	41120	7149.05(b)	13400
6956	41125	7149.05(c)	not cont'd
7050	12100	7149.05(d)	13100(b)

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
7149.05(e)	13100(c)	7650	22300
7149.2	13105	7652(a)-(c)	22405
7149.3	53250	7652(d)	22315
7149.45(a)	12905(a), (b)	7652.1	22400(a)-(d)
7149.45(b)	13250	7652.2	22450(a)-(d)
7149.5	13110	7652.3(a)	22410, 22455
7149.7	13020	7652.3(b)	22400(e), 22450(e)
7149.8	45700(a)-(c)	7653	22415
7149.9(a) 1st, 2nd sent	45955(a)	7654	22305
7149.9(a)(1) 1st sent	45960	7655	22310
7149.9(a)(1) 2nd sent	45950(b), (c)	7660	42050(b)
7149.9(a)(2), (a)(3)	45960	7662	42050(a)
7149.9(b)-(d)	45955(b)-(d)	7690	not cont'd
7150	13150	7700(a)-(c)	21600
7151(a)-(c)	13200	7700(d)	730
7151(d)	13205	7701	21610
7151(e)	13210	7702	21615
7151(f), (g)	13215	7702.1	21810
7153	13005	7703	21620
7153(a)	13015	7704(a)	14310
7180.1(a)	12950, 12955	7704(b)	21800
7180.1(b)	12955	7704(c)	42750
7180.1(c) 1st sent	12955	7705	21750
7180.1(c) 2nd sent	13260	7706	21850
7181.1(a)	12960	7707	21855
7181.1(b)	not cont'd	7708	21605
7182.1(a)	13405	7709	23150
7182.1(b)	not cont'd	7710(a)-(c)	22800(a)-(e)
7183.1(a), (b)	13355	7710 last para	22800(f), 22805(d)
7183.1(c)	not cont'd	7710.1	22810
7184.1(a), (b)	13360	7710.5	22805(a)-(c)
7184.1(c)	not cont'd	7712	22815
7185	12965, 13350(a), 13405(b)	7850	280
7186.1(a)	13365	7850(a)	14500(a)
7186.1(b)	13350(b)	7850(b)	14500(b)
7186.1(c)	not cont'd	7850(c)	14615
7230	13700	7850(c) 1st sent	14500(c)
7232	13705	7850(d)	14500(d)(1)
7256	49310	7850.5	14500(d)(2)
7260	43805	7851	14550(b)
7261	555	7852(a), (b)	14550(a)
7290	46250	7852(a)-(d)	14600
7332	46300	7852(e)	14550(c)
7350	38855	7852.1	14610, 14770
7361	13900	7852.2	14605
7362	13910	7852.25	14555
7363	13905	7852.27	14505, 20225
7364	13915	7852.4	14860
7370	43150(a), (b)	7853	14665(a)
7380	44000	7854	14665(b)
7381	44005	7855	14655
7382	44010	7856(a)-(d)	14870 (a)-(g)
7400	46050	7856(e)	14870(h)
7600	14200(a), 14200(b), 37805, 45005	7856(f) 1st-3rd sent	14875
7601	785	7856(f) 4th sent	14880
7630	22900	7857(a), (c)-(k), (m)	14560

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
7857(b).....	14650	8033(b).....	20455(a)
7857(e).....	14865	8033(c).....	20460
7857(k).....	14760	8033.1(a).....	515, 20600
7857(l).....	14855	8033.1(b).....	20610
7857(m).....	14850	8033.2.....	20605(a)
7858.....	14565	8033.5(a).....	400
7860.....	41355	8033.5(a) 1st sent.....	20500
7861.....	41360(a)-(d)	8033.5(a) 2nd sent.....	20505(a)
7861.1.....	41360(e)	8033.5(b).....	not cont'd
7861.2.....	41365	8034.....	390
7861.3.....	41350	8034(a) 1st sent.....	20400(a)
7861.4.....	41375	8034(a) 2nd sent.....	20405(a)
7861.5.....	41370	8034(b).....	not cont'd
7862.....	41380	8035.....	405
7862.5.....	41385	8035(a).....	20550(a)
7863.....	41390	8035(b).....	20555(a)
7880.....	14785	8035(c).....	20550(b)
7881(a).....	14755, 14780	8036(a).....	385
7881(b) 1st sent.....	14765(a)	8036(a) 1st sent.....	20350
7881(b) 2nd sent.....	14775	8036(a) 2nd sent.....	20355(a)
7881(c) 1st sent.....	14765(a)	8036(b).....	not cont'd
7881(c) 2nd sent.....	14775	8037(a) 1st sent.....	20300
7881(d).....	14790	8037(a) 2nd sent.....	20220
7881(e).....	14750	8037(b).....	not cont'd
7881(f).....	14765(c)	8038.....	20215
7881(g).....	14765(d)	8039.....	20230(c), 20355(b), 20405(b), 20455(b), 20505(b), 20555(b), 20605(b)
7891.....	15200	8040(a).....	280
7892 1st sent.....	15050	8040(b).....	20900
7892 2nd sent.....	15055	8041.....	20950
7892 3rd sent.....	15060	8042 1st sent.....	20955(a)
7920 1st sent.....	295, 300	8042 2nd sent.....	20955(b)
7920 1st, 3rd para.....	21905	8043(a) 1st sent.....	21000
7920 2nd para.....	21900	8043(a) 2nd sent.....	21005(a)
7921 1st sent.....	21915	8043(b).....	21020
7921 2nd sent.....	21910	8043(c) 1st sent.....	21025(b)
7923.....	21920(a)	8043(c) 2nd, 3rd sent.....	21025(c)
7924.....	21925	8043(c) 4th sent.....	21155
7925.....	42100	8043.1(a).....	21000
8010.....	22210	8043.1(b).....	20905
8022.....	22205	8043.1(c) 1st sent.....	21005(b)
8025(a).....	21400, 22215	8043.1(c) 2nd sent.....	21005(c)
8025(b).....	not cont'd	8043.1(d).....	not cont'd
8026.....	22200(a), (b)	8043.2(a).....	21010
8030.....	20200	8043.2(b).....	21450
8031(a)(1) 1st, 2nd sent.....	20400(a)	8043.2(c).....	21455
8031(a)(1) 3rd sent.....	20400(b)	8045.....	21020, 21225
8031(a)(2), (3).....	not cont'd	8046(a) 1st sent.....	21150
8031(a)(4).....	290	8046(a) 2nd, 3rd, 4th sent.....	21100
8031(b).....	not cont'd	8046(b).....	21015
8032(a).....	20205(a), 20230(b)	8046(c).....	21110
8032(b).....	20205(b)	8046.1.....	21115, 38365
8032(c).....	20230(b)	8047(a)(1) 1st sent.....	21005(c)
8032.5(a), (b), (d)-(i).....	20210	8047(a)(1) 2nd sent.....	21150
8032.5(c).....	20235	8047(a)(1) 3rd sent.....	21105(a)
8033.....	395	8047(a)(1) 4th sent.....	21110
8033(a).....	20450		

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
8047(a)(2) 1st sent	21210(b)	8111	22700
8047(a)(2) 2nd, 3rd sent	21000	8112	22710
8047(a)(2) 4th sent	21215	8113	22715
8047(b) 1st sent	21000	8114	22720
8047(b) 2nd sent	20950	8120	41600
8047(b) 3rd sent	21025(a)	8121	41605(a)-(c)
8047(b) 4th sent	not cont'd	8122	41605(d)
8047(b) 5th sent	21105(a)	8123	41610
8047(b) 6th sent	21105(b)	8125 1st, 2nd sent	22905
8047(b) 7th sent	21110	8125 3rd sent	22915
8047(c)(1)	21210(a), 21215	8126	22910
8047(c)(2) 1st sent	21235	8140	14210
8047(c)(2) 2nd sent	21230(a)	8150.5	42265
8047(c)(2) 3rd sent	21230(b)	8150.7 1st sent	42255
8047(c)(3)	21205	8150.7 2nd sent	42260
8047(c)(4)	20450	8154	42355
8047(c)(5)	21200	8180	38555(a)
8047(d)	21225	8181	38555(b)
8047(e) 1st sent	21220	8182	38555(c)
8047(e) 2nd, 3rd sent	21240	8183	38560
8047(e) 4th sent	21245	8190	38550
8050	21300	8210.2	41450
8051	20955(a)	8213	41460
8051.4(a)	46150	8214	41465
8051.4(b)	not cont'd	8215	41470
8052	21360	8217	41455
8053	21350	8218	41475
8055	42105	8219	41480
8056	21355	8226	42110
8057	21365(a)	8230	41650
8058	21365(b)	8231	41305
8059	21365(c)	8232	41665
8060	21365(d)	8232.5	41670
8061	21365(e)	8233 1st sent	41715
8062	21365(f)	8233 2nd sent	41795
8063	21365(g)	8233.3	41730
8064	21370	8233.4	41760
8065	21375(a)	8233.5	41735
8066	21375(b)	8233.8	41710
8067	21375(c)	8233.9	41680
8068	21375(d)	8234(a)	41675
8069	21375(e)	8234(b)	41800
8070	21375(f)	8235	41725
8075	21650	8236	41720
8076	21805	8237	41735
8077	21655	8238	41745(a)
8078	21660	8238.1	41745(b)
8079	21665	8239	41740(a)-(i)
8079.1	21670	8239.1	41755(a)-(c)
8080	21675	8239.2	41660(b)
8100	495	8239.6	41765
8101	22500	8239.9	41750
8102	22505	8240	41755(d), (e)
8103	22510	8241	41740(j)
8104	22515	8242	41690
8110	22705	8243	41685

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
8244	41695	8276.4(e)	47825
8245	41700	8276.4(f)	47830(a)
8245.5	41705	8276.4(g)	47010(a)
8246(a)	41785(a)	8276.4(h)	47010(b), 47835
8246(b)	41785(b)	8276.5(a) 1st sent	47610
8246(c)	41785(c)	8276.5(a) 2nd sent	47615
8246(d)	41785(e)	8276.5(a)(1), (2)	47620
8246.2(a)	41790	8276.5(a)(3)	47625
8246.2(b)	41785(d)	8276.5(a)(4)	47630
8246.4	41770	8276.5(a)(5)	47635
8246.6	41775	8276.5(a)(6)	47640
8246.7	41780	8276.5(a)(7)	47645
8246.8	41660(a)	8276.5(a)(8)	not cont'd
8247 1st sent	41900	8276.5(b)	47650
8247 2nd sent	41940	8276.5(c)	47830(b)
8247 3rd sent	41930	8276.5(d)	47655
8247.1	41915	8276.5(e), (f)	47660
8247.2 1st sent	41925	8276.5(g)	47605
8247.2 2nd, 3rd sent	41935	8276.5(h)	47600
8247.4	41945	8276.5(i)	47665
8247.5(a)	41905	8277	47305
8247.5(b)	41920	8278	47070
8247.6	41955	8279	47055
8247.7	41910	8279.1(a)-(e)	47155
8247.8	41950	8279.1(f)	47160
8248	41655	8280	48500
8250	710	8280.1(a)	47900
8250.5(a)	49700	8280.1(b)	48100
8250.5(b)	49715	8280.1(b)(1), (2)	48105
8250.5(c)	49750	8280.1(b)(3)	48110
8251	49600	8280.1(b)(4)(A)	48115
8252	49605	8280.1(b)(4)(B)	48120
8253	49755	8280.1(b)(4)(C)	48125
8254	49500(a)-(e)	8280.1(b)(5)	48130
8254.7 1st-6th sent	49515	8280.1(b)(6)	48135
8254.7 7th sent	49615	8280.1(c)	48145
8257	49505	8280.1(d)	48100
8258	49710(a)	8280.1(e)	not cont'd
8259	49510	8280.1(f)	48140
8275	46855	8280.1(g)(1)	47930
8276(a), (b)	47300	8280.1(g)(2)	47935
8276(c)	47060	8280.1(h)	47945, 48150
8276.2(a)	47350	8280.2(a)-(d)	47925
8276.2(b)(1)	47355(a)	8280.2(e) 1st sent	47920
8276.2(b)(2)(A)	47370	8280.2(e) 2nd-4th sent	47915
8276.2(b)(2)(B)	47360	8280.2(f)	47945
8276.2(c) 1st, 3rd-6th sent	47365	8280.2(f)	47945
8276.2(c) 2nd sent	47355(b)	8280.3(a)	48300
8276.2(d)	47375	8280.3(b)	48310
8276.3(a), (b)	47150	8280.3(c)	48315
8276.3(c)	47160	8280.3(d)	48320
8276.4(a) 1st sent	47800	8280.3(e)	48325
8276.4(a) 2nd sent, (a)(1)-(7)	47805	8280.3(f)	48330
8276.4(b)	47810	8280.3(g)(1)	48340
8276.4(c)	47815	8280.3(g)(2)	48335
8276.4(d)	47820	8280.3(h)	48345

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
8280.3(i)	48350	8392	39905
8280.3(j)	48360	8393(a)	40755
8280.4(a)	47905	8393(b)	40760
8280.4(b)	47945	8394	43655(a)
8280.5(a)-(e)	47940	8394.5	43655(b)
8280.5(f)	47945	8395	43555
8280.6(a)	47910	8398	15100
8280.6(b)	48355	8399	51400
8280.6(c)	48305, 48360	8399.1	51405
8280.6(d)	47945	8400	15105
8280.7	48510	8403(a)	38360
8280.9	48505	8403(b) 1st sent	19510(a)
8281	47015	8403(b) 2nd sent	19510(b)
8282	48650	8403(c)	19505
8283	47455	8405	50505
8284(a) 1st sent	47450(a)	8405.1	50510
8284(a) 2nd sent	47460(a)	8405.2	50515
8284(b), (c)	48660	8405.3	50520
8340	46400	8405.4	50525
8341	46410	8411	40610, 40620
8342	46425	8412	40605
8343	46415	8420	51450
8344	50255	8424	51455
8345	50405	8425(a)	51460
8346	46420	8425(b)	51465
8370	39005	8428	51470
8370	41495, 43355	8429 1st sent	51475
8371(a), (b)	39010	8429 2nd sent	51480
8371(c), (d)	41455	8429.5	51485
8372	39105	8429.7	51490
8373	39555	8430	44105(a)
8374	44455(a), 44470	8431	44200(a), (b)
8375	44455(b)	8432	44200(c)
8376	44450	8433	15150(b), 44105(b), 44200(d)
8377	44460(b)	8434	15150(a)
8377.5	44460(a)	8435	39410
8378	44465	8436	20105(a)
8380	39100	8436.5	20105(b)
8381	39655	8437	20100(a)
8382	38755(b), 44755(b)	8437.1	20100(b)
8383.5	39050	8460	500
8384	38755(c), 44755(c)	8460 1st para	22100(a)
8385	21950	8460 2nd para	22105, 22115
8386	38755(a), 44755(a)	8460 3rd para	22100(b)
8387	44760	8460 4th para	14200(c), 21920(b), 22200(c)
8388(a)	42805	8461	22110
8388(b)	42800	8462	22120
8388(c)	42810(a)	8463	22125
8388(d)	42810(b)	8475	46405
8388.5	42905	8490	49005
8389(a) 1st sent	40500	8491	49015
8389(a) 2nd sent	40505	8492	49020
8389(b)	40510(a)	8494(a)	39950
8389(c)	40510(b)	8494(b)	39955(a)
8389(d)	40515	8494(c)	39955(b)
8391	39900	8494(d)	39960

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
8494(e)	39965	8582	18395
8494(f)	39970	8585	22600
8494(g)	39980	8585.5	22605
8494(h)	39975	8586	22610
8495(a)	40100	8586.1	22625
8495(b)-(d)	40105	8587	22630
8495(e)	40110	8587.1	22620
8496	40115	8589	22615
8497	40120	8589.5	22640
8500	45010	8589.7	22635
8510	49205	8590	50955
8550 1st para, 1st sent	40350(a)	8591	51005
8550 1st para, 2nd sent; 2nd para	40355	8593	51000
8550.5	40360	8594	51050
8552(a) 1st sent	40350(b)	8595(a)	51015(b)
8552(a) 2nd sent	40375, 40380	8595(b)	51015(d)
8552(b)-(e)	40365	8595(a)	51100(a)
8552.1	40400	8596	20700
8552.2	40380	8597(a)	510, 20705
8552.3	40385	8597(b)	20710
8552.4	40395	8597(c)	20715
8552.5	40445	8598	20720
8552.6	40375	8598.2	20725
8552.7	40390	8598.3(a), (c)	20730
8552.8	40370	8598.3(b)	20735
8553	40455	8598.4	20740
8554	40405	8598.6	20745
8555	40410	8599	42950
8556	40415	8599.3	42955
8557	40420	8599.4	42850
8558	40425	8601	685
8558.1(a) 1st, 2nd sent	40430	8601	690
8558.1(a) 3rd sent	40435(c)	8601.5(a)	15600(a), 18900(c)
8558.1(b)	not cont'd	8601.5(b) 1st, 2nd sent	15600(b)
8558.2	40435(a), (b)	8601.5(b) 3rd sent	15610(b)
8558.3	40435(d)	8601.5(b) 4th sent	15610(c)
8559	40440	8601.5(c)	15610(a)
8561	18300	8601.6(a)	15605
8561.5	18305	8601.6(b)	not cont'd
8562	18310	8602	15300
8563	18315	8603	14300
8564	18320	8604	14305
8567	18325	8605	1735
8568	18330	8606	19900
8568.5	18335	8606.1	16100
8569	18340	8607	38355
8573	18345	8608	15305
8574	18350	8609	16805
8575	18355	8610.1	16850
8575.5	18360	8610.2	16855
8576	18365	8610.3	16860
8576.5	18370	8610.4	16865
8577	18375	8610.5	16870
8579	18380	8610.6	16875
8580	18385	8610.9	16880
8581	18390	8610.11	16885

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
8610.12	16890	8700	18100
8610.13	16895	8720	18200
8610.14	16900	8721	18205
8610.15	16905	8724	18210
8610.16	16910	8725	18215
8614	19905	8750	675
8615	19910	8751	15700, 15705, 15710
8623(a), (b), (e)	38760, 39055, 44765	8752	15715, 15720, 15725, 15730, 15735, 15740
8623(c), (d)	18500	8754	15745, 15750, 15755, 15760(a)-(c)
8625	18505	8755	15775(a), 15775(b), 15780, 15785
8626	18510	8756	39000, 41485, 42505, 44205
8630 1st para	15400(a)	8757	15760(d), 15765(a), 15765(b), 15770(a), 15770(b), 15775(c)
8630 1st para, 2nd sent	19405(b)	8780(a) 1st sent	235
8630 2nd para 1st-3rd sent	15420, 19425	8780(a) 2nd sent	15760(e), 15765(c), 15770(c), 15775(d), 15905
8630 2nd para 4th, 5th sent	15425(b), 19430(b)	8780(b)	15910
8631	15400(b)-(d)	8780(c), (d)	15915
8632	15405, 19410	8780.1	15900
8633	15410, 19415	8800	240
8634	15425(a), 19430(a)	8801	16000, 16005, 16010
8635	15415, 19420	8802	16015, 16020
8660	15500	8803	16025
8661	15505	8804	16030
8663	15515	8805	16035, 16040
8664	15520	8806	16045
8664.5	17000	8807	16050
8664.67	17005	8830 1st sent	765
8664.7	17010	8830 2nd sent	16105(a)
8664.8	17015	8831	16150
8664.13	17020	8832	16350, 16650
8665	15510	8833	16250, 16280, 16285, 16290, 16295, 16300, 16305
8666	17025	8834	47000
8667	15525	8834.1	41490
8668	15530	8834.5	47065
8669	15535	8835	16255, 16260, 16265
8670	15540(a)	8836	16270, 16275, 16310
8680	18000	8837	16155
8681	18005	8840	16175
8681.5	18010	8841(a)-(c), (e), (i)-(k)	16110
8681.7	18015	8841(d)	16105(b)
8682	18020	8841(f)	16160(a)
8683	18025	8841(g)	51010(a), (b)
8684	18030	8841(h)	16165(a)
8685	18035	8841(i)	16160(b), 16165(b), 16170(b), 51010(c)
8685.5	18040	8841(l)	16170(a)
8685.6	18045	8842(a) 1st para	51100(a)
8685.7	18050	8842(a) 2nd para	51100(b)
8686	18055	8842(b)	51105(a)
8687	18060	8842(c) 1st sent	51110
8688	18065	8842(c) 2nd sent	40125
8691	18070	8842(c) 3rd sent	51115
8692	18075	8842(d)	51105(b)
8692.5	18080		
8693	18085		
8694	18090		
8696	18095		

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
8843	16355	9026	18900(a), (b)
8870	16400	9027	18800(c), 18805(c), 18810(c)
8870(a)	16450, 16455, 16460, 16465, 16470	9027.5	18815(c), 18815(d), 18820(c), 18820(d), 18825(c), 18825(d)
8870(b)	16475	9028	18705
8870(c)	16480	9029	18800(a), 18800(b), 18805(a), 18805(b), 18810(a), 18810(b), 18815(a), 18815(b), 18820(a), 18820(b), 18825(a), 18825(b)
8890	16550	9029.5 1st, 3rd sent	18805(d), 18810(d)
8890	16555	9029.5 2nd sent	685, 780
9000(a), (b)	19200	9050	19805
9000(c)	19600	9051	19810
9000.5(a)	255	9052	19800
9000.5(b)	330	9053	45305, 45405
9000.5(c)	470	9054 1st sent	50705(a)
9000.5(d)	490	9054 2nd sent	50710
9000.5(e)	560	9054 3rd sent	50705(c)
9000.5(f)	630	9054 4th sent	50705(d)
9001	19205	9055	50705(b)
9001.6	39755	9100	15000
9001.7(a)-(j)	19500	9101	15005
9001.7(k)	49610	10000	43250
9001.8	40905	10001 1st sent	43255
9002(a)	19300(a)	10001 2nd sent	43260
9002(b)	19305	10002	43265
9002(c)	19300(b)	10003	43270(a)
9002(d)	19310	10004	43270(b)
9002.5	19315	10005	43275
9003	19210	10501	34450
9004	19215, 19220	10680	4900
9005	19225	10681	4905
9006	19230	10682	4910
9007	19400	10683	4915
9008	19405(a), 19405(b), 19410, 19415, 19420, 19425, 19430(a), 19430(b)	10684	4920
9010(a)	49700	10685	4925
9010(b)	49710(b)	10930	34060(a)
9010(c)-(e)	49705	10931	34060(b), (c)
9011(a)(1)	47450(a)	11000	2500
9011(a)(2)	47450(b)	11001	2505(a)
9011(a)(3)	47460(b), (c)	11002	2510
9011(b)	48655	11003	2515
9011(c)	47465	11004	2520
9012(a)	47005	11005	2525
9012(b)	47450(c)	11006	2530
9015(a)	51015(a)	11007	2535
9015(b)	51015(c)	11008	2540
9020(a)	19605	11009	2545
9020(b)	19610	11010	2550
9022(a)	19515	11011	2555
9022(b)	19510(a)	11012	2560
9023	39305	11013	2565
9024	49010	11014	2570
9025.1	18700	11015	2575
9025.5(a)	18950, 19000, 19005, 19010(a), 19015(a), 19030, 19035, 19040, 19045, 19050	11016	2580
9025.5(b)	770	11017	2585
9025.5(c)	19010(b), 19015(b), 19020, 19025		

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
11018	2590	12004	18250
11019	2595	12005	33460
11020	2600	12005.5	8140(b), 11110(b)
11022	2605	12006(a)(1)	43150(c)
11024	2610	12006(a)(2)	49500(f)
11025	2615	12006(b) 1st, 3rd sent	43150(d), 43150(f), 49500(g), 49500(i)
11026	2620	12006(b) 2nd sent	43150(e), 49500(h)
11027	2625	12006.6	45855
11028	2630	12008(b)	30205(c)
11029	2635	12008(c)	32700(c)
11030	2640	12008(d)	52200(e), 53000(e)
11031	2645	12008(e)	38200(e)
11032	2650	12008.5	35950
11033	2655	12009	45850
11034	2660	12010	30110(b)
11035	2665	12012	8100
11036 1st-3rd para	2670	12013(a), (b), (d)-(g)	8105
11037	2675	12013(c), (g)	8110
11038	2680	12013.3	31105, 33050, 34700, 35100, 35955
11039	2685	12013.5	33470
12000(a)	4400(a)	12014	3105
12000(b)(1)	8130(c)	12017(a)(1)	8450(g)
12000(b)(2)	not cont'd	12020	4420
12000(b)(3)	45700(d)	12021	4425
12000(b)(4)-(12)	4410	12023	25500
12001	10110(d)	12024	25505
12001.5	9500(b), 30505(b), 33205(b), 33465, 34200(b)	12025(a)	4705
12002(a)	4400(b)	12025(b)	4710
12002(b)(1)	3360(c), 11020(c)	12025(c)	4715(a)
12002(b)(3)	34055(d), 45700(d)	12025(d)	4715(b), 4720
12002(b)(5)	15540(b)	12025(e), (f)	4725
12002(c)	28905(b), 29850(b), 29855(b), 30110(b)	12025(g)	4715(c)
12002(d)	4415	12025(h)	4700
12002.1	9900	12026	25510
12002.2	13300	12028	4310
12002.2.1	12905(d)-(f), 12910(d)-(f), 13305	12150	10110(a)-(c)
12002.3(a)	13310, 45860	12150.5	10115
12002.3(b)	45860	12150.6	10130
12002.3(c)	13310	12150.7	10135
12002.4	21945	12150.8	10140
12002.6	14950	12151	10120
12002.7 1st, 2nd para	21940	12151.5	10105
12002.7 3rd para	535	12152	10125
12002.8(a)-(c)	45865	12153	14660
12002.8(d), (e)	38565, 40050, 40450, 41500, 42270, 48800	12154	8505
12002.8(f)	535	12155	9910
12002.9	20240	12155.5	8515
12002.10	45860	12156	11240
12002.11	10830(e)	12156.5	9010
12003	15540(c)	12157(a), (b), (c)(1)(A), (c)(1)(D), (c)(1)(E)-(i)	8630
12003.1	8400	12157(c)(1)(B)	45870
12003.2	32500(d), 32700(c)	12157(c)(1)(C)	43150(e), 49500(h)
12003.5	16895	12157.5	8635

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
12158	8500	15007(d)	24965
12158.5	3100	15007(e)	24970
12159	8600	15007(f)	24955
12159.5	30205(d), 32700(d), 38200(f), 52200(f), 53000(f)	15008	23360
12160	8615	15100	23365
12161	8620	15101(a)	23605(a)
12162	8605	15101(b) 1st sent	23605(b), 23610, 23700
12163	8625	15101(b) 2nd, 4th sent	23700
12164	9905	15101(b) 3rd sent	23600
12165	9005	15101(c)	23605(c)
12166	8510	15101(d)	23700
13000	3500(a)	15102	23805
13001(a)	3600	15103	23705
13001(b)	3810	15104	23710
13001.5	3505	15105	23715
13002	3605	15200 1st sent	23800(a)
13003	3610	15200 2nd sent	23815
13005	9105	15201	23810
13006	3755	15202	23800(b)
13007(a) 1st sent	12000	15300	23900
13007(a) 2nd sent, (b)-(g)	12005	15301(a)	23910
13100	3900	15301(b)	23905(a)
13101	3905	15301(c)	23905(b)
13102	3910	15400(a)	24000
13103	3915	15400(b) 1st sent	24005
13104	3920	15400(b) 2nd sent	24010
13200	3510	15400(c)	24015
13201	3515	15400(d)	24020
13202	3520	15401	24100(c)
13203	3525	15402	24310
13205	31935	15403 1st para, 1st sent	24100(a)
13220	3750	15403 1st para, 2nd sent	24100(b)
14000	5900	15403 2nd para	24305
14001	5905	15404	24105
14002	5910	15405	24200
14100	5950	15406	24210
14101	5955	15406.5(a) 1st sent	24115(a)
14102	5960	15406.5(a) 2nd sent	24220(a)
14103	5965	15406.5(a) 3rd sent	24115(b)
14104	5970	15406.5(b)	24115(c)
14105	5975	15406.7	24220(b)-(d)
15000(a)	23305	15407	24300
15000(b)-(d)	23350	15408	24320(a)
15001	23915	15409	24320(b)-(e)
15002	24900	15410	24205
15003	23820	15411	24315
15004(a), (b)	23505	15412	24325
15004(c)	23500	15413	24400
15005	23355	15414	24215
15006	23300	15415	24110
15007(a) 1st sent	24960(a)	15500	24500
15007(a) 2nd sent	24960(b)	15501	24505
15007(a) 3rd sent	24950(a)	15502	24510
15007(b)	24950(b)	15503	24515(a)
15007(c)	24960(c)	15504	24515(b)
		15505	24520

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
15506	24525	15600(b)	24710
15507	24530	15601	24715
15508	24535	15604	24720
15509	24545	15605	24700
15510	24540	15700	24800
15512	24600	15701(a)	24805
15513	24605	15701(b)	24810
15514	24610	15702	24820
15516	24615	15703	24815
15600(a)	24705		

DERIVATION OF PROPOSED LAW

The table below shows the relationship between each provision of the Fish and Wildlife Code and the corresponding provision of existing law.

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
1(a)	1	365	93
10(a)	3 1st sent	370	3514
25	3 2nd sent	380	45
30	4	385	8036(a)
35(f), (g)	73	390	8034
40	5	395	8033
45	6	400	8033.5(a)
55	8	405	8035
60	9	410	94
65	10	415	5050(b)(3)-(5)
70	11	420	3511(b)
75	13	425	5515(b)
80	79	430	4700(b)
85	64	435	4000
90	2013	440	5050(b)(1),(2)
95	80	450	3500(c)
200	2	460(a)(1)-(4)	3950(a)
205	13.5	460(a)(5)	3950(b)
210	16	460(a)(6)-(9)	3950(a)
215	14	460(b), (c)	3950.1
220	15	470	9000.5(c)
225	17	475	46
230	18	480	48
235	8780(a) 1st sent	485	51
240	8800	490	9000.5(d)
245	22	495	8100
250	3003.1(a) 2nd-3rd sent	500	8460
255	9000.5(a)	50 (1st sent)	7
260	24	505	54
265	90.5	510	8597(a)
270	27	515	8033.1(a)
275	29	520	54.5
280	7850, 8040(a)	525	96
290	8031(a)(4)	530	4500(c)
295	7920 1st sent	535	12002.7 3rd para
300	7920 1st sent	535	12002.8(f)
305	30 1st cl	540	96.5
310	30 2nd cl	545	3500(b)
315	32	550	55
320	33	555	7261
325	35 1st cl	560	9000.5(e)
330	9000.5(b)	565	56
335	37	570	3800(a) 1st sent
340	90.7	575(a)	4150 1st sent
345	39	575(b)	4151
350	91	580	57
355	41	585	60
360	43	590	61

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
595	62	1025	219
600	97	1100	250
605	97.5	1105	255
610	98	1110	260
615	98.2	1115	265
620	67	1120	270
630	9000.5(f)	1125	275
635	19	1200	108
640	711.2(a)	1205	301
645	68	1250	399
650	4005(a) 2nd sent	1300	309(a)
655	89	1305	309(b)
660	70	1500	700
665	3500(a)	1505	702
670	99	1510	703(a)
675	8750	1515	701
680	75	1520	701.3
685	8601	1525	704
685	9029.5 2nd sent	1530	706
690	8601	1600	850
695	81	1605(a)	707
700	82	1605(b)	711.2(b)
705	200(b)(2) 3rd sent	1610	857
710	8250	1615	858(a)
720	200(b)(2) 2nd sent	1700	1001
725	9.2	1705	1004
730	7700(d)	1710	1007
735	83	1715	1006
740	89.1	1720	1008
745	98.5	1725	1015
745	98.5	1730	1502
750	99.5	1735	8605
755	86	1740	1017
760	88	1745	1000
765	8830 1st sent	1750	1005
770	9025.5(b)	1755	1005.5
775	3683	1900	1226(b)
780	9029.5 2nd sent	1905	1227
785	7601	1910	715
790	89.1	1915(a), (b)	701.5
795	35	1915(c)	711.2(b)
800	89.5	2000	1745(a)
900	101	2005	1745(b)(1)
905	101.5	2010	1745(b)(2)
910	102	2015	1745(c),(d)
915	103	2020	1745(e)-(g)
920	110	2025	1745(h)
925	105	2030	1745(j)
930	106	2035	1745(i)
935	104	2040	1745.1
940	107	2100	1019
1000	200(a),(b)(1),(b)(2) 1st sent,(c)	2105	1009
1005	201	2200	1011
1010	203	2205	1012
1015	205	2210	1013
1020	203.1	2300	1054(a)

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
2300	1054(c)	3000	1050(d)
2400	703.5	3005	1050(f)
2405	1020	3010	1050.5
2410	703.3	3050	1052
2500	11000	3100	12158.5
2505	11001	3105	12014
2510	11002	3200	1055.1(a),(b)
2515	11003	3205	1055.1(g)
2520	11004	3210	1055.3
2525	11005	3250(a)	1055.1(c) 1st sent
2530	11006	3250(c)	1055.1(c) 2nd sent
2535	11007	3250(b)	1055.1(c) 3rd, 4th sent
2540	11008	3255(a)	1055.6(a)
2545	11009	3255(b)	1055.6(b)
2550	11010	3255(c)	1055.6(d)
2555	11011	3260	1065
2560	11012	3350	1055.1(d)-(f)
2565	11013	3355	1055.6(c)
2570	11014	3360(a), (b)	1059
2575	11015	3360(c)	12002(b)(1)
2580	11016	3365	1057
2585	11017	3370	1056
2590	11018	3375	1058
2595	11019	3450	710
2600	11020	3455	710.5
2605	11022	3460	710.7
2610	11024	3465	711
2615	11025	3470	712
2620	11026	3500(a)	13000
2625	11027	3500(b)	12
2630	11028	3505	13001.5
2635	11029	3510	13200
2640	11030	3515	13201
2645	11031	3520	13202
2650	11032	3525	13203
2655	11033	3600	13001(a)
2660	11034	3605	13002
2665	11035	3610	13003
2670	11036 1st-3rd para	3650	1225
2675	11037	3655	1226(a)
2680	11038	3660	859
2685	11039	3665	1050.8
2805	1050(b)	3670	860
2810	1051	3750	1050(e)
2815	1050.1	3750	13220
2820	1052.5	3755	713
2900	1054.5	3755	13006
2905	1050(a)	3810	13001(b)
2910	1050(c)	3900	13100
2915	1050.6	3905	13101
2920	1054(b)	3910	13102
2920	1054(c)	3915	13103
2925	1050.3	3920	13104
2930	1053.1(a)	4100	851
2935	1061	4105	856
2940	1054.8	4110	853

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
4115	854	5320	716.3(d)
4120	858(b)	5325	716.3(e)
4200	875	5330	716.3(f)
4205	877	5335	716.3(g)
4210	876	5340	716.3(h)
4215	878	5345	716.3(i)
4220	879	5350	716.3(j)
4225	880	5355	716.3(k)
4230	881	5360	716.3(l)
4235	882	5365	716.3(m)
4300	2586(a)	5370	716.3(n)
4300	2586(b)	5375	716.3(o)
4305	855	5380	716.3(p)
4310	12028	5385	716.3(q)
4315	702.1	5390	716.3(r)
4320	856.5	5395	716.3(s)
4400(a)	12000(a)	5400	716.3(t)
4400(b)	12002(a)	5450	716.4
4405	2020	5500	716.5
4410	12000(b)(4)-(12)	5550	716.6
4415	12002(d)	5600	716.7
4420	12020	5650	716.8
4425	12021	5700	716.9
460(a)(5)	3950(b)	5750	717
4700	12025(h)	5800	717.1
4705	12025(a)	5805	717.2
4710	12025(b)	5900	14000
4715(a)	12025(c)	5905	14001
4715(b)	12025(d)	5910	14002
4715(c)	12025(g)	5950	14100
4720	12025(d)	5955	14101
4725	12025(e),(f)	5960	14102
4800	400	5965	14103
4805	401	5970	14104
4850	3450	5975	14105
4855	3451	8000	2000
4860	3452	8005	2000.5
4865	3453	8010	2002
4900	10680	8015	2001
4905	10681	8100	12012
4910	10682	8105	12013(a),(b),(d)-(g)
4915	10683	8110	12013(c),(g)
4920	10684	8115	2003
4925	10685	8120	2004
5000	390	8125	2005
5005	392	8130(a), (b), (d), (e)	2009(a),(c)-(f)
5010	393	8130(c)	2009(b)
5050	391	8130(c)	12000(b)(1)
5100	375	8135	2018
5200	716	8140(a)	3003.2
5205	716.1	8140(b)	12005.5
5210	716.2	8145	5500
5300	716.3 intro.	8300(a)	1054.2
5305	716.3(a)	8305	2012
5310	716.3(b)	8400	12003.1
5315	716.3(c)	8450	2014

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
8450(g).....	12017(a)(1)	9500(a).....	3007
8500.....	12158	9500(b).....	12001.5
8505.....	12154	9550.....	3002
8510.....	12166	9555.....	2010
8515.....	12155.5	9560.....	2007
8600.....	12159	9565(a).....	3005(a)
8605.....	12162	9565(b).....	3005(c)
8615.....	12160	9565(c).....	3005(d)
8620.....	12161	9570.....	3003.5
8625.....	12163	9575.....	3003
8630.....	12157(a), (b), (c)(1)(A), (c)(1)(D), (c)(1)(E)-(i)	9580.....	2016
8635.....	12157.5	9585.....	3012
8700.....	306	9590.....	3000
8705.....	307	9700.....	3004(a)
8710(a).....	314	9705.....	3004(b)
8710(b).....	315	9710.....	3001
8715.....	315.3	9715.....	2006
8720.....	308	9720.....	3008
8800.....	2535	9725.....	2011.5
8805.....	2536	9730.....	2019
8810.....	2537	9735.....	2011
8815.....	2539	9740.....	3005.5
8820.....	2542	9900.....	12002.1
8825.....	2543	9905.....	12164
8900.....	2538	9910.....	12155
8905.....	2540(a),(b),(d), and(e)	10000.....	3004.5(a)
8910.....	2540(c)	10005(a).....	3004.5(b)
8915.....	2541	10005(b).....	3004.5(i)
8920.....	2544	10005(c).....	3004.5(j)
8925.....	2545	10010.....	3004.5(c)
9000.....	2546	10015.....	3004.5(d)
9005.....	12165	10020.....	3004.5(e)
9010.....	12156.5	10025(a).....	3004.5(g)
9100(i).....	711.2(b)	10025(b).....	3004.5(h)
9100(a)-(h).....	714	10030.....	3004.5(f)
9105.....	13005	10100.....	3009
9150.....	312	10105.....	12151.5
9200.....	1002	10110(d).....	12001
9205.....	1002.5	10110(a)-(c).....	12150
9210.....	1003	10115.....	12150.5
9300.....	2580	10120.....	12151
9305.....	2582	10125.....	12152
9310(a).....	2581	10130.....	12150.6
9310(c).....	2583(b)	10135.....	12150.7
9310(b).....	2586(b)	10140.....	12150.8
9315.....	2584(a)	10200.....	3050
9320.....	2583(a) 1st sent	10205.....	1053.5
9325.....	2583(a) 2nd, 3rd sent	10210.....	3031
9330.....	2584(b)-(h)	10215.....	3031.5
9335.....	2585	10220.....	3037
9340.....	2587(a)	10225.....	3031.2
9345.....	2587(b)	10230.....	3040
9350.....	2588	10300.....	3033
9355.....	2589	10305.....	3038
9360.....	500	10310.....	317
		10350.....	3061

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
10355	3060	11300	4030
10360	3062	11305	4031
10365	3063	11310	4034
10400	3049	11315(a), (b)	4032
10405	3051	11315(c)	4033
10410	3052	11320	4035
10415	3053	11325(a)	4037
10420	3054	11325(b)	4038
10500(a)(1)-(3)	325	11330	4040
10500(a)(4)	329	11335	4041
10500(b)	330	11340	4042
10505(a)	326	11350	4036
10505(b)	328 1st sent	11355	4043
10510	327	11500	5523
10515	328 2nd sent	11505	1124
10600	3240.5(a)	11510	5507
10605	3240.5(b)	11515	5508
10610	3240.5(c),(d)	11520	5509
10615	3241	11525	5503
10620	3242	11530	5505
10625	3243.5	11535	5516
10630	3245	11540	5501
10635	3246	11700	1725
10700	1575	11705	1726
10800	3080(a)	11710	1726.1
10805	3080(b)	11715	1726.4
10810	3080(c)	11720	1726.5
10815	3080(d)	11725	1727
10820	3080(e)	11730	1728
10825	3086	11735	1729
10830	3087	11740	1730
10830(e)	12002.11	11800	6900
11000	4004(d)	11805	6910
11005	4004(f)	11805	6911
11010	4004(g)	11805	6912
11015	4009	11810	6901
11020(a), (b)	4004(c)	11815	6902
11020(c)	12002(b)(1)	11820	6903
11100	3003.1(d)	11825(a)	6920(a)
11105	4004(b)	11825(b)	6921
11110(a)	3003.1(a) 1st sent,(b),(c)	11830	6920(b)
11110(b)	12005.5	11835	6924
11150	4004(a)	11840	6923
11155	4004(e)	11845	6922
11200(a), (b)(1)	4005(a) 1st sent	11850	6930
11200(b)(2)-(5)	4005(e)	11900	2760
11200(b)(6)	4005(c)	11905	2761
11205	4005(d)	11910	2762
11210	4005(b)	11915	2762.2
11215(a)	4006(a)	11920	2762.5
11215(b)	4006(c)	11925	2762.6
11220	4007	11930	2763
11225	4008	11935	2764
11230	4006(b)	11940	2765
11235	4009.5	12000	13007(a) 1st sent
11240	12156	12005	13007(a) 2nd sent,(b)-(g)

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
12100	7050	13005	7153
12105	7051	13010	7145(b)
12150	7055	13015	7153(a)
12155	7056	13020	7149.7
12160	7058	13100(a)	7149.05(a)
12165	7059	13100(b)	7149.05(d)
12200	7060	13100(c)	7149.05(e)
12205	7062	13105	7149.2
12250	7065	13110	7149.5
12255	7066	13150	7150
12300	7070	13200	7151(a)-(c)
12305	7071(a)	13205	7151(d)
12310	7071(b),(c)	13210	7151(e)
12315	7072(a)-(c)	13215	7151(f),(g)
12320	7072(d)	13250	7149.45(b)
12325	7073	13255(c)	6403
12330	7074	13255(a)	6596.1(a) 2nd sent,(f)
12400	7075	13255(b)	6596.1(g)
12405	7076	13260	7180.1(c) 2nd sent
12410	7077	13300	12002.2
12415	7078(a)-(c)	13305	12002.2.1
12420	7078(d)	13310	12002.3(a)
12425	7078(e),(f)	13310	12002.3(c)
12500	7080	13350(b)	7186.1(b)
12505	7087(a)	13350(a)	7185
12510	7081	13355	7183.1(a),(b)
12515	7082	13360	7184.1(a),(b)
12520	7083	13365	7186.1(a)
12525	7084	13400	7149.05(b)
12530	7085	13405	7182.1(a)
12535	7086	13405(b)	7185
12540(a)	7087(b)	13500	7120
12540(b)	7088	13600	7121 1st para
12600	7090(a)	13605	7121 2nd para
12605	7090(b)(1),(b)(2) 1st sent	13610	7147
12610	7090(b)(2) 2nd sent(b)(2)(A)-(E)	13700	7230
12615	7090(c)	13705	7232
12620	7090(d)	13710	5510
12625	7090(e)	13800	7110
12630	7090(f)	13805	7115
12635	7090(g)	13900	7361
12640	7090(h)	13905	7363
12805	7100	13910	7362
12850	7149.05(a)	13915	7364
12900	7145(a)	14200(a)	7600
12905(a), (b)	7149.45(a)	14200(b)	7600
12905(d)-(f)	12002.2.1	14200(c)	8460 4th para
12910(a), (b)	6596.1(a) 1st, 3rd sent	14210	8140
12910(d)-(f)	12002.2.1	14300	8603
12950	7180.1(a)	14305	8604
12955	7180.1(b)	14310	7704(a)
12955	7180.1(c) 1st sent	14500(a)	7850(a)
12955	7180.1(a)	14500(b)	7850(b)
12960	7181.1(a)	14500(c)	7850(c) 1st sent
12965	7185	14500(d)(1)	7850(d)
13000	7145(a)	14500(d)(2)	7850.5

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
14505	7852.27	15410	8633
14550(b)	7851	15415	8635
14550(a)	7852(a),(b)	15420	8630 2nd para 1st-3rd sent
14550(c)	7852(e)	15425(b)	8630 2nd para 4th, 5th sent
14555	7852.25	15500	8660
14560	7857(a),(c)-(k),(m)	15505	8661
14565	7858	15510	8665
14600	7852(a)-(d)	15515	8663
14605	7852.2	15520	8664
14610	7852.1	15525	8667
14615	7850(c)	15530	8668
14620	6596.1(d)	15535	8669
14620	6596.1(f)	15540(a)	8670
14650	7857(b)	15540(b)	12002(b)(5)
14655	7855	15540(c)	12003
14660	12153	15600(a)	8601.5(a)
14665(a)	7853	15600(b)	8601.5(b) 1st, 2nd sent
14665(b)	7854	15605	8601.6(a)
14750	7881(e)	15610(b)	8601.5(b) 3rd sent
14755	7881(a)	15610(c)	8601.5(b) 4th sent
14760	7857(k)	15610(a)	8601.5(c)
14765(a)	7881(b) 1st sent	15700	8751
14765(a)	7881(c) 1st sent	15705	8751
14765(c)	7881(f)	15710	8751
14765(d)	7881(g)	15715	8752
14770	7852.1	15720	8752
14775	7881(b) 2nd sent	15725	8752
14775	7881(c) 2nd sent	15730	8752
14780	7881(a)	15735	8752
14785	7880	15740	8752
14790	7881(d)	15745	8754
14850	7857(m)	15750	8754
14855	7857(l)	15755	8754
14860	7852.4	15760(a)-(c)	8754
14865	7857(e)	15760(d)	8757
14870 (a)-(g)	7856(a)-(d)	15760(e)	8780(a) 2nd sent
14870(h)	7856(e)	15765(a)	8757
14875	7856(f) 1st-3rd sent	15765(b)	8757
14880	7856(f) 4th sent	15765(c)	8780(a) 2nd sent
14950	12002.6	15770(a)	8757
15000	9100	15770(b)	8757
15005	9101	15770(c)	8780(a) 2nd sent
15050	7892 1st sent	15775(a)	8755
15055	7892 2nd sent	15775(b)	8755
15060	7892 3rd sent	15775(c)	8757
15100	8398	15775(d)	8780(a) 2nd sent
15105	8400	15780	8755
15150(b)	8433	15785	8755
15150(a)	8434	15900	8780.1
15200	1110	15905	8780(a) 2nd sent
15200	7891	15910	8780(b)
15300	8602	15915	8780(c),(d)
15305	8608	16000	8801
15400(a)	8630 1st para	16005	8801
15400(b)-(d)	8631	16010	8801
15405	8632	16015	8802

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
16020	8802	16895	8610.13
16025	8803	16895	12003.5
16030	8804	16900	8610.14
16035	8805	16905	8610.15
16040	8805	16910	8610.16
16045	8806	17000	8664.5
16050	8807	17005	8664.67
16100	8606.1	17010	8664.7
16105(a)	8830 2nd sent	17015	8664.8
16105(b)	8841(d)	17020	8664.13
16110	8841(a)-(c),(e),(i)-(k)	17025	8666
16150	8831	18000	8680
16155	8837	18005	8681
16160(a)	8841(f)	18010	8681.5
16160(b)	8841(i)	18015	8681.7
16165(a)	8841(h)	18020	8682
16165(b)	8841(i)	18025	8683
16170(b)	8841(i)	18030	8684
16170(a)	8841(l)	18035	8685
16175	8840	18040	8685.5
16250	8833	18045	8685.6
16255	8835	18050	8685.7
16260	8835	18055	8686
16265	8835	18060	8687
16270	8836	18065	8688
16275	8836	18070	8691
16280	8833	18075	8692
16285	8833	18080	8692.5
16290	8833	18085	8693
16295	8833	18090	8694
16300	8833	18095	8696
16305	8833	18100	8700
16310	8836	18200	8720
16350	8832	18205	8721
16355	8843	18210	8724
16400	8870	18215	8725
16450	8870(a)	18250	12004
16455	8870(a)	18300	8561
16460	8870(a)	18305	8561.5
16465	8870(a)	18310	8562
16470	8870(a)	18315	8563
16475	8870(b)	18320	8564
16480	8870(c)	18325	8567
16550	8890	18330	8568
16555	8890	18335	8568.5
16650	8832	18340	8569
16805	8609	18345	8573
16850	8610.1	18350	8574
16855	8610.2	18355	8575
16860	8610.3	18360	8575.5
16865	8610.4	18365	8576
16870	8610.5	18370	8576.5
16875	8610.6	18375	8577
16880	8610.9	18380	8579
16885	8610.11	18385	8580
16890	8610.12	18390	8581

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
18395	8582	19315	9002.5
18500	8623(c),(d)	19400	9007
18505	8625	19405(b)	8630 1st para, 2nd sent
18510	8626	19405(a)	9008
18700	9025.1	19405(b)	9008
18705	9028	19410	8632
18800(c)	9027	19410	9008
18800(a)	9029	19415	9008
18800(b)	9029	19420	8635
18805(c)	9027	19420	9008
18805(a)	9029	19425	9008
18805(b)	9029	19425	8630 2nd para 1st-3rd sent
18805(d)	9029.5 1st, 3rd sent	19430(b)	8630 2nd para 4th, 5th sent
18810(c)	9027	19430(a)	8634
18810(a)	9029	19430(a)	9008
18810(b)	9029	19430(b)	9008
18810(d)	9029.5 1st, 3rd sent	19500	9001.7(a)-(j)
18815(c)	9027.5	19505	8403(c)
18815(d)	9027.5	19510(a)	8403(b) 1st sent
18815(a)	9029	19510(b)	8403(b) 2nd sent
18815(b)	9029	19510(a)	9022(b)
18820(c)	9027.5	19515	9022(a)
18820(d)	9027.5	19600	9000(c)
18820(a)	9029	19605	9020(a)
18820(b)	9029	19610	9020(b)
18825(c)	9027.5	19800	9052
18825(d)	9027.5	19805	9050
18825(a)	9029	19810	9051
18825(b)	9029	19900	8606
18900(c)	8601.5(a)	19905	8614
18900(a), (b)	9026	19910	8615
18950	9025.5(a)	20100(a)	8437
19000	9025.5(a)	20100(b)	8437.1
19005	9025.5(a)	20105(a)	8436
19010(a)	9025.5(a)	20105(b)	8436.5
19010(b)	9025.5(c)	20200	8030
19015(a)	9025.5(a)	20205(a)	8032(a)
19015(b)	9025.5(c)	20205(b)	8032(b)
19020	9025.5(c)	20210	8032.5(a),(b),(d)-(i)
19025	9025.5(c)	20215	8038
19030	9025.5(a)	20220	8037(a) 2nd sent
19035	9025.5(a)	20225	7852.27
19040	9025.5(a)	20230(b)	8032(a)
19045	9025.5(a)	20230(b)	8032(c)
19050	9025.5(a)	20230(c)	8039
19200	9000(a),(b)	20235	8032.5(c)
19205	9001	20240	12002.9
19210	9003	20300	8037(a) 1st sent
19215	9004	20350	8036(a) 1st sent
19220	9004	20355(a)	8036(a) 2nd sent
19225	9005	20355(b)	8039
19230	9006	20400(a)	8031(a)(1) 1st, 2nd sent
19300(a)	9002(a)	20400(b)	8031(a)(1) 3rd sent
19300(b)	9002(c)	20400(a)	8034(a) 1st sent
19305	9002(b)	20405(a)	8034(a) 2nd sent
19310	9002(d)	20405(b)	8039

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
20450	8033(a)	21150	8046(a) 1st sent
20450	8047(c)(4)	21150	8047(a)(1) 2nd sent
20455(a)	8033(b)	21155	8043(c) 4th sent
20455(b)	8039	21200	8047(c)(5)
20460	8033(c)	21205	8047(c)(3)
20500	8033.5(a) 1st sent	21210(b)	8047(a)(2) 1st sent
20505(a)	8033.5(a) 2nd sent	21210(a)	8047(c)(1)
20505(b)	8039	21215	8047(a)(2) 4th sent
20550(a)	8035(a)	21215	8047(c)(1)
20550(b)	8035(c)	21220	8047(e) 1st sent
20555(a)	8035(b)	21225	8045
20555(b)	8039	21225	8047(d)
20600	8033.1(a)	21230(a)	8047(c)(2) 2nd sent
20605(a)	8033.2	21230(b)	8047(c)(2) 3rd sent
20605(b)	8039	21235	8047(c)(2) 1st sent
20610	8033.1(b)	21240	8047(e) 2nd, 3rd sent
20700	8596	21245	8047(e) 4th sent
20705	8597(a)	21300	8050
20710	8597(b)	21350	8053
20715	8597(c)	21355	8056
20720	8598	21360	8052
20725	8598.2	21365(a)	8057
20730	8598.3(a),(c)	21365(b)	8058
20735	8598.3(b)	21365(c)	8059
20740	8598.4	21365(d)	8060
20745	8598.6	21365(e)	8061
20900	8040(b)	21365(f)	8062
20905	8043.1(b)	21365(g)	8063
20950	8041	21370	8064
20950	8047(b) 2nd sent	21375(a)	8065
20955(a)	8042 1st sent	21375(b)	8066
20955(b)	8042 2nd sent	21375(c)	8067
20955(a)	8051	21375(d)	8068
21000	8043(a) 1st sent	21375(e)	8069
21000	8043.1(a)	21375(f)	8070
21000	8047(a)(2) 2nd, 3rd sent	21400	8025(a)
21000	8047(b) 1st sent	21450	8043.2(b)
21005(a)	8043(a) 2nd sent	21455	8043.2(c)
21005(b)	8043.1(c) 1st sent	21600	7700(a)-(c)
21005(c)	8043.1(c) 2nd sent	21605	7708
21005(c)	8047(a)(1) 1st sent	21610	7701
21010	8043.2(a)	21615	7702
21015	8046(b)	21620	7703
21020	8043(b)	21650	8075
21020	8045	21655	8077
21025(b)	8043(c) 1st sent	21660	8078
21025(c)	8043(c) 2nd, 3rd sent	21665	8079
21025(a)	8047(b) 3rd sent	21670	8079.1
21100	8046(a) 2nd, 3rd, 4th sent	21675	8080
21105(a)	8047(a)(1) 3rd sent	21750	7705
21105(a)	8047(b) 5th sent	21800	7704(b)
21105(b)	8047(b) 6th sent	21805	8076
21110	8046(c)	21810	7702.1
21110	8047(a)(1) 4th sent	21850	7706
21110	8047(b) 7th sent	21855	7707
21115	8046.1	21900	7920 2nd para

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
21905	7920 1st, 3rd para	22805(d)	7710 last para
21910	7921 2nd sent	22805(a)-(c)	7710.5
21915	7921 1st sent	22810	7710.1
21920(a)	7923	22815	7712
21920(b)	8460 4th para	22900	7630
21925	7924	22905	8125 1st, 2nd sent
21930	7147	22910	8126
21935	6596.1(b)	22915	8125 3rd sent
21935(c)	6596.1(g)	23150	7709
21940	12002.7 1st, 2nd para	23200	1069
21945	12002.4	23300	15006
21950	8385	23305	15000(a)
22100(a)	8460 1st para	23350	15000(b)-(d)
22100(b)	8460 3rd para	23355	15005
22105	8460 2nd para	23360	15008
22110	8461	23365	15100
22115	8460 2nd para	23500	15004(c)
22120	8462	23505	15004(a),(b)
22125	8463	23600	15101(b) 3rd sent
22200(a), (b)	8026	23605(a)	15101(a)
22200(c)	8460 4th para	23605(b)	15101(b) 1st sent
22205	8022	23605(c)	15101(c)
22210	8010	23610	15101(b) 1st sent
22215	8025(a)	23700	15101(b) 1st sent
22300	7650	23700	15101(b) 2nd, 4th sent
22305	7654	23700	15101(d)
22310	7655	23705	15103
22315	7652(d)	23710	15104
22400(a)-(d)	7652.1	23715	15105
22400(e)	7652.3(b)	23800(a)	15200 1st sent
22405	7652(a)-(c)	23800(b)	15202
22410	7652.3(a)	23805	15102
22415	7653	23810	15201
22450(a)-(d)	7652.2	23815	15200 2nd sent
22450(e)	7652.3(b)	23820	15003
22455	7652.3(a)	23900	15300
22500	8101	23905(a)	15301(b)
22505	8102	23905(b)	15301(c)
22510	8103	23910	15301(a)
22515	8104	23915	15001
22600	8585	24000	15400(a)
22605	8585.5	24005	15400(b) 1st sent
22610	8586	24010	15400(b) 2nd sent
22615	8589	24015	15400(c)
22620	8587.1	24020	15400(d)
22625	8586.1	24100(c)	15401
22630	8587	24100(a)	15403 1st para, 1st sent
22635	8589.7	24100(b)	15403 1st para, 2nd sent
22640	8589.5	24105	15404
22700	8111	24110	15415
22705	8110	24115(a)	15406.5(a) 1st sent
22710	8112	24115(b)	15406.5(a) 3rd sent
22715	8113	24115(c)	15406.5(b)
22720	8114	24200	15405
22800(a)-(e)	7710(a)-(c)	24205	15410
22800(f)	7710 last para	24210	15406

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
24215	15414	25210	1172
24220(a)	15406.5(a) 2nd sent	25215	1173
24220(b)-(d)	15406.7	25220	1174
24300	15407	25225	1175
24305	15403 2nd para	25300	1200
24310	15402	25305	1201
24315	15411	25310	1202
24320(a)	15408	25315	1203
24320(b)-(e)	15409	25320	1204
24325	15412	25325	1205
24400	15413	25330	1206
24500	15500	25400	6403
24505	15501	25405	1123
24510	15502	25410	6401
24515(a)	15503	25415	6400
24515(b)	15504	25420	1125
24520	15505	25500	12023
24525	15506	25505	12024
24530	15507	25510	12026
24535	15508	25600	6420
24540	15510	25605	6421
24545	15509	25610	6422
24600	15512	25615	6423
24605	15513	25620(a)	6424
24610	15514	25620(b)	6425(b)
24615	15516	25700	6590
24700	15605	25705	6591
24705	15600(a)	25710	6592
24710	15600(b)	25715(b)	6593 2nd sent
24715	15601	25715(a)	6594
24720	15604	25720	6593 1st, 3rd sent
24800	15700	25725	6595
24805	15701(a)	25730	6597
24810	15701(b)	25735	6597.5
24815	15703	25740	6598
24820	15702	25850	6402
24900	15002	25855	1123.5
24905	5511	26000	3200
24950(a)	15007(a) 3rd sent	26005	3201
24950(b)	15007(b)	26010	3202
24955	15007(f)	26015	3203
24960(a)	15007(a) 1st sent	26020	3204 1st para
24960(b)	15007(a) 2nd sent	26025	3204 2nd para
24960(c)	15007(c)	26030	3205
24965	15007(d)	26035	3206
24970	15007(e)	26040	3207
25100	1120	26045	3208
25105	1121	26050	3209
25110	1122	26055	3212
25115	1126	26060	3213
25120	1150	26065	3214
25125	6903.5	26070	3216
25130	1122.5	26075	3217
25135	1210	26080	3218
25200	1170	26085	3219
25205	1171	26200	3300 2nd para

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
26205	3300 1st para, 1st sent	26900	2187(b)
26210(a)	3300 1st para, 2nd sent	26905	2185(a)
26210(b)	3301 1st sent	26910	2186(a)
26215	3301 2nd, 3rd sent	26915	2187(a)
26220	3302	27000	2189(a)
26225	3303 1st, 2nd sent	27005	2189(b),(c)
26230	3303 3rd sent	27010	2189(d)-(f)
26235	3305	27100	2200
26240	3306 1st, 2nd para	27105	2201
26245	3306 3rd para	27110	2202
26250(b)	3307 1st para, 1st sent	27115	2203
26250(a)	3307 1st para, 2nd sent	28000	2225
26255	3307 2nd para	28100	2270
26260	3309	28105	2270.5
26265	3308	28110	2271
26270	3310	28115	2272
26275	3311	28250	2300(a),(b)
26400	4010	28255	2300(c)
26500	2116	28400	2345
26505	2117	28405(a)	2346
26510	2116.5	28405(b)	2347
26515	2120	28410	2348
26520	2118	28415	2349
26525	2118.5	28420	2352
26530	2122	28425	2353
26535	2119	28500	2400
26540	2123	28505	2401
26545(a)	2121	28600	2015
26545(b)	2190	28650	2022(a)
26550	2124	28655	2022(b),(c)
26555	2126	28660	2022(d)
26560	2125(a)-(c)	28665	2022(e)
26565	2125(d)	28670	2022(f),(i)
26570	2195	28675	2022(g)
26575	2127	28680	2022(h)
26580	2192	28685	2022(j)
26700	2150(a)	28750	2128
26705	2150(b)	28905(a)	3503
26710	2150(c)-(f)	28905(b)	12002(c)
26715(b)	2150.1	28910	3504
26715(a)	2150.2	28915	3803
26720	2150.3	29050	3860
26725	2150.4	29055	3861
26730	2150.5	29060	3862
26735	2151	29065	3863
26740	2152	29200	356 1st para
26745	2153	29205	3806
26750	2155	29210	355 1st, 2nd para
26755	2156	29215	356 2nd para
26760	2157(a)	29220	355 3rd para
26765	2157(b),(d)	29225	357
26770	2157(c)	29350	3502
26775	2193(a)	29355	3501
26780	2193(b),(c)	29360	3508
26900	2185(b)	29365	3270(a)
26900	2186(b)	29370	4304 1st sent

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
29375	2350	30505(a)	3700.1(a)
29500	3682.1(a)	30505(b)	12001.5
29505	3682.1(b)	30510	3681
29510	3682.2	30515	3700.1(b)
29515(a)	3684(a)	30520	3700.2(a)-(f)
29515(b)	3684(b)	30525(a)	3700.2(g)
29515(d)	3684(c) 1st sent	30525(b)	3702.5 1st para
29515(e)	3684(e) 2nd sent	30530	3701 1st sent
29515(c)	3684(g)	30535(a)	3701 2nd sent
29520(a)	3684(c) 2nd sent	30535(b)	3704 1st para, 1st-2nd sent
29520(b)	3684(c) 4th, 5th sent	30535(c)	3704 1st para, 3rd sent
29520(c)	3686 1st sent	30540	3702 1st sent
29525	3684(c) 3rd sent	30545	3704 1st para, 4th sent
29530(a)	3684(d)	30550	3702 3rd sent
29530(b)	3686 2nd sent	30550	3704.5 1st para, 3rd sent
29535	3686 2nd sent	30555	3702 2nd sent
29540	3684(e) 1st sent	30555	3704.5 1st para, 2nd sent
29545	3684(f)	30560(a)	3703
29650	3516 2nd para	30560(b)	3705
29700	3516 1st para	30565	3702.1
29705	3515	30570	3704.5 1st para, 1st sent
29850(a)	3800(a) 2nd sent	30700	3505
29850(b)	12002(c)	30750	3505
29855(a)	3513	30800	3505
29855(b)	12002(c)	30850	3505
29860	3801.5	30900	3500(a)(10)
30000	3801.6(a)	30900	3683(a)(11)
30005	3801.6(b)(1)	30910(a)	3010
30010(a)	3801.6(b)(2) 2nd-4th sent	30910(b)	3660
30010(b)	3801.6(c)	31000	3500(b)(6)
30015	3801.6(b)(2) 1st sent	31000	3683(b)(4)
30100	395	31010	3680
30105(a), (b)	396	31050	3801
30105(c)	398	31100	3500(a)(11)
30105(a)	3503.5	31100	3683(a)(12)
30105(b)	3503.5	31105	12013.3
30110(a)	3503.5	31110	4181(a)
30110(b)	12002(c)	31115	4188
30110(b)	12010	31500	3032(a)(1)
30115	3802	31500	3960(a)
30200(a), (b)	3511(a)(1) 1st, 2nd sent	31500	3960.2(a)
30205	3511(a)(1) 3rd-6th sent,(a)(2)	31500	3960.4(a)
30205(c)	12008(b)	31500	3960.6(a)
30205(d)	12159.5	31505	3032(a)(2)-(d)
30210	3511(a)(3)	31510(a)	3960(b)
30300	3505	31510(b)	3960(c)(3)
30350	3511(b)(5)	31550	3960(c)(1),(2),(4)
30360	3850	31555	3961
30365	3851	31600	4153 2nd para
30370	3852	31605(a)	4180.1 1st para
30375	3853	31605(b)	4180.1 2nd para
30380	3854	31610	4190
30385	3855	31700	4011
30390	3856	31800	4304
30395	3857	31900	3953(a)
30500	3500(b)(1)	31905	3953(c)

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
31910	3953(d)	33510(c)	4181.1(d)
31915	3953(e) 1st sent	33510(d)	4181.1(e)
31920	3953(e) 2nd sent	33515	3960.2
31925	3953(f)	33520(a)-(e) and (g)	4181(a)
31930	3953(g)	33520(f)	4181(b)
31935	13205	33600	3960.4
32150(a)	4002	33650	4185
32150(b)	4003	33700	4000
32155	4180	33710	4181(a)
32300	4150 2nd sent	33755	3960.2(a)
32305,	4152	33755	3960.4
32310(a)	4153 1st para	33755	3960.6
32310(b)	4154	33800	4155(d)
32500(a)-(c)	4500	33805	4155(a)
32500(d)	12003.2	33810	4155(b),(c)
32700(a), (b)	4700(a)(1) 1st, 2nd sent	33815	4155(e)
32700(c)	12003.2	33820	4155(f)
32700(c)	12008(c)	33900	3960.6(b)
32700(d)	12159.5	33905	3960.2(b),(d),(e)
32705	4700(a)(1) 3rd-6th sent,(a)(2)	33950	3960.4(b)-(d)
32710	4700(a)(3)	34055(a)-(c)	4600
32900	3950(a)	34055(d)	12002(b)(3)
32950	331(c),(d)	34060(a)	10930
32955	331(b) 1st-3rd sent	34060(b), (c)	10931
32960(b)	331(b) 4th sent	34100	3950(a)
32960(a)	3953(b) 1st sent	34110	4302
32965(a)	709	34115	3006
32965(b)	3953(b) 2nd sent	34120	2350
33000	331(a)	34125	2355
33050	12013.3	34200(a)	4330
33100	3950(a)	34200(b)	12001.5
33110	4760	34205	4336
33200	3011	34210	4341
33205(a)	4750	34215	4334
33205(b)	12001.5	34220	4331
33210	4753	34230	4333
33215	4755	34235	4340
33220	4757	34240	3953(b) 2nd sent
33225	3006	34245(a)	709
33225	4332(a)-(d)	34245(b)	3953(b) 2nd sent
33300	4751	34350	4370
33305	3953(b) 2nd sent	34355	4371
33310	4752	34400(b), (c)	4301(a) 1st sent
33315	4754	34400(a)	4301(b)
33400(a)	302	34405(b)-(d)	4301(a) 2nd-4th sent
33400(b)	303	34405(a)	4301(b)
33450(a)	4759 1st sent	34410	4303
33450(b)	4759 2nd, 3rd sent	34415	4304
33455	4758	34450	10501
33460	12005	34500	450
33465	12001.5	34505	452
33470	12013.5	34510(a)	453
33500	4763	34510(b)	454
33505	3960.6	34510(c)	455
33510(a)	4181.1(a)	34515(a)	456 1st sent
33510(b)	4181.1(c)	34515(b)	456 3rd sent

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
34520	457	35815	4901
34525	458	35820	308.5
34525	459	35825(a)	709
34530(e)	451	35825(b)	3953(b) 2nd sent
34530(a)-(d)	460	35830(a)	3953(b) 1st sent
34535	1503	35830(b)	4903 3rd, 4th sent
34600	4181.5	35900	4902(a),(b)
34605	4188	35905(a), (b)	4902(d)
34700	12013.3	35905(c)	4902(e)
34800	3950(a)	35910	4902(c)
34810	3006	35915	4903
34815	2118.3	35950	12008.5
34850	332(b)	35955	12013.3
34855	332(d),(e)	36000	3950(a)
34860	332(c)	36010	4152
34865	3953(b) 1st sent	36015	4181(a)
34870(a)	709	37000	4500(c)
34870(b)	3953(b) 2nd sent	37000	4700(b)(6)
34950	332(a)	37050	4502.5
34955	3952	37100	3950(a)
34960	3951	37105	4650
35000(a)-(d) and (g)	4181(a)	37150	4181(a)
35000(e), (f)	4181(d)	37150	4652
35050	2118.2	37155	4657
35055	2118.4	37200	4653
35100	12013.3	37205	4654
35200	4000	37210	4655
35210	4012	37215	4654
35215	4152	37220	3953(b) 1st sent
35300(a)	3950(a)	37300	4651
35300(b)	3950.1(a)	37350	4181.2
35310	3950.1(b)	37355(f)	4181(c)
35310	4800(d)	37355(a)-(d)	4181.1(b)
35315	4808	37355(e)	4181.1(c)
35350	4800(a)-(c)	37360(a)-(d) and (f)	4181(a)
35400	4801	37360(e)	4181(c)
35405	4802	37365	4188
35410	4803	37450	3950(a)
35415	4804	37450	4700(b)(1),(b)(7)
35420	4805	37455(b)	2575
35425	4806	37455(a)	2576
35430	4807	37460	4005(f)
35435	4809	37805	7600
35440	4801.5	37950	6300
35500	4810	37955	6301
35600	4000	37960	6302
35610	4152	37965	6303
35615	2250	37970	6304
35700	3950(a)	37975	6305
35700	4150	37980	6306
35705	4186	38200(a)-(d), (g)	5515(a)
35710	4152	38200(e)	12008(e)
35750	4700(b)(8)	38200(f)	12159.5
35755	4501	38355	8607
35800	4700(b)(2)	38360	8403(a)
35810	4900	38365	8046.1

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
38550	8190	39975	8494(h)
38555(a)	8180	39980	8494(g)
38555(b)	8181	40050	12002.8(d),(e)
38555(c)	8182	40100	8495(a)
38560	8183	40105	8495(b)-(d)
38565	12002.8(d),(e)	40110	8495(e)
38705	2362	40115	8496
38755(b)	8382	40120	8497
38755(c)	8384	40125	8842(c) 2nd sent
38755(a),	8386	40350(a)	8550 1st para, 1st sent
38760	8623(a),(b),(e)	40350(b)	8552(a) 1st sent
38850	2360	40355	8550 1st para, 2nd sent; 2nd para
38855	7350	40360	8550.5
38860	2360	40365	8552(b)-(e)
38865(a)	2359	40370	8552.8
38865(b)	2363	40375	8552(a) 2nd sent
38870	6400.5	40375	8552.6
38875(a)	2362	40380	8552(a) 2nd sent
38875(b)	2362	40380	8552.2
38875(c)	6596.1(c)	40385	8552.3
38900	1740	40390	8552.7
38905	1741	40395	8552.4
38910	1742	40400	8552.1
38915	1743	40405	8554
39000	8756	40410	8555
39005	8370	40415	8556
39010	8371(a),(b)	40420	8557
39050	8383.5	40425	8558
39055	8623(a),(b),(e)	40430	8558.1(a) 1st, 2nd sent
39100	8380	40435(c)	8558.1(a) 3rd sent
39105	8372	40435(a), (b)	8558.2
39150	6403	40435(d)	8558.3
39200	6456	40440	8559
39205	6440	40445	8552.5
39210	6450	40450	12002.8(d),(e)
39215	6451	40455	8553
39220	6452	40500	8389(a) 1st sent
39225	6455	40505	8389(a) 2nd sent
39230	6454	40510(a)	8389(b)
39235	6453	40510(b)	8389(c)
39240	6457	40515	8389(d)
39245	6460	40605	8412
39305	9023	40610	8411
39410	8435	40620	8411
39555	8373	40705	2354
39655	8381	40710	7123
39755	9001.6	40755	8393(a)
39805	316	40760	8393(b)
39900	8391	40905	9001.8
39905	8392	40955	1000.6
39950	8494(a)	41000	310
39955(a)	8494(b)	41005	5514
39955(b)	8494(c)	41010	316.5
39960	8494(d)	41050	2361
39965	8494(e)	41100	6950
39970	8494(f)	41105	6952

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
41110	6953	41755(a)-(c)	8239.1
41115	6954	41755(d), (e)	8240
41120	6955	41760	8233.4
41125	6956	41765	8239.6
41305	8231	41770	8246.4
41350	7861.3	41775	8246.6
41355	7860	41780	8246.7
41360(a)-(d)	7861	41785(a)	8246(a)
41360(e)	7861.1	41785(b)	8246(b)
41365	7861.2	41785(c)	8246(c)
41370	7861.5	41785(e)	8246(d)
41375	7861.4	41785(d)	8246.2(b)
41380	7862	41790	8246.2(a)
41385	7862.5	41795	8233 2nd sent
41390	7863	41800	8234(b)
41450	8210.2	41900	8247 1st sent
41455	8217	41905	8247.5(a)
41455	8371(c),(d)	41910	8247.7
41460	8213	41915	8247.1
41465	8214	41920	8247.5(b)
41470	8215	41925	8247.2 1st sent
41475	8218	41930	8247 3rd sent
41480	8219	41935	8247.2 2nd, 3rd sent
41485	8756	41940	8247 2nd sent
41490	8834.1	41945	8247.4
41495	8370	41950	8247.8
41500	12002.8(d),(e)	41955	8247.6
41600	8120	42050(b)	7660
41605(a)-(c)	8121	42050(a)	7662
41605(d)	8122	42100	7925
41610	8123	42105	8055
41650	8230	42110	8226
41655	8248	42255	8150.7 1st sent
41660(b)	8239.2	42260	8150.7 2nd sent
41660(a)	8246.8	42265	8150.5
41665	8232	42270	12002.8(d),(e)
41670	8232.5	42355	8154
41675	8234(a)	42455	2363
41680	8233.9	42505	8756
41685	8243	42605	5517
41690	8242	42610(a)-(d)	2021
41695	8244	42610(e), (f)	2021.5(a)
41700	8245	42615	2021.5(b)
41705	8245.5	42750	7704(c)
41710	8233.8	42800	8388(b)
41715	8233 1st sent	42805	8388(a)
41720	8236	42810(a)	8388(c)
41725	8235	42810(b)	8388(d)
41730	8233.3	42850	8599.4
41735	8233.5	42905	8388.5
41735	8237	42950	8599
41740(a)-(i)	8239	42955	8599.3
41740(j)	8241	43150(a), (b)	7370
41745(a)	8238	43150(c)	12006(a)(1)
41745(b)	8238.1	43150(d)	12006(b) 1st, 3rd sent
41750	8239.9	43150(f)	12006(b) 1st, 3rd sent

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
43150(e),	12006(b) 2nd sent	45510(a)	5672 1st para
43150(e)	12157(c)(1)(C)	45510(b)	5673
43200	2363	45515	5674
43250	10000	45700(a)-(c)	7149.8
43255	10001 1st sent	45700(d)	12000(b)(3)
43260	10001 2nd sent	45750	2371
43265	10002	45800	5521
43270(a)	10003	45805	5521.5
43270(b)	10004	45810	5521.6
43275	10005	45850	12009
43355	8370	45855	12006.6
43555	8395	45860	12002.3(a)
43655(a)	8394	45860	12002.3(b)
43655(b)	8394.5	45860	12002.10
43805	7260	45865	12002.8(a)-(c)
43850	2356	45870	12157(c)(1)(B)
43855	2358	45950(b), (c)	7149.9(a)(1) 2nd sent
43950	5514	45955(a)	7149.9(a) 1st, 2nd sent
44000	7380	45955(b)-(d)	7149.9(b)-(d)
44005	7381	45960	7149.9(a)(1) 1st sent
44010	7382	45960	7149.9(a)(2),(a)(3)
44105(a)	8430	46000	5520
44105(b)	8433	46005	5522(a),(b)
44200(a), (b)	8431	46010	5522(c)
44200(c)	8432	460(a)(1)-(4)	3950(a)
44200(d)	8433	46015	5522(d)
44205	8756	46020	5522(e)
44350	313	46050	7400
44450	8376	460(a)(6)-(9)	3950(a)
44455(a)	8374	46150	8051.4(a)
44455(b)	8375	46250	7290
44460(b)	8377	46255	2368
44460(a)	8377.5	46260	2369
44465	8378	46300	7332
44470	8374	46400	8340
44650	2362	46405	8475
44755(b)	8382	46410	8341
44755(c)	8384	46415	8343
44755(a)	8386	46420	8346
44760	8387	46425	8342
44765	8623(a),(b),(e)	46550	2364
45005	7600	46855	8275
45010	8500	47000	8834
45250	5505	47005	9012(a)
45305	9053	47010(a)	8276.4(g)
45400	5505	47010(b)	8276.4(h)
45405	9053	47015	8281
45450	5700	47055	8279
45455	5701	47060	8276(c)
45460	5701.5	47065	8834.5
45465	5702	47070	8278
45500(a)	5669	47150	8276.3(a),(b)
45500(a)	5671	47155	8279.1(a)-(e)
45500(b)	5675	47160	8276.3(c)
45505	5670	47160	8279.1(f)
45505	5672 2nd para	47300	8276(a),(b)

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
47305	8277	48105	8280.1(b)(1),(2)
47350	8276.2(a)	48110	8280.1(b)(3)
47355(a)	8276.2(b)(1)	48115	8280.1(b)(4)(A)
47355(b)	8276.2(c) 2nd sent	48120	8280.1(b)(4)(B)
47360	8276.2(b)(2)(B)	48125	8280.1(b)(4)(C)
47365	8276.2(c) 1st, 3rd-6th sent	48130	8280.1(b)(5)
47370	8276.2(b)(2)(A)	48135	8280.1(b)(6)
47375	8276.2(d)	48140	8280.1(f)
47450(a)	8284(a) 1st sent	48145	8280.1(c)
47450(a)	9011(a)(1)	48150	8280.1(h)
47450(b)	9011(a)(2)	48300	8280.3(a)
47450(c)	9012(b)	48305	8280.6(c)
47455	8283	48310	8280.3(b)
47460(a)	8284(a) 2nd sent	48315	8280.3(c)
47460(b), (c)	9011(a)(3)	48320	8280.3(d)
47465	9011(c)	48325	8280.3(e)
47600	8276.5(h)	48330	8280.3(f)
47605	8276.5(g)	48335	8280.3(g)(2)
47610	8276.5(a) 1st sent	48340	8280.3(g)(1)
47615	8276.5(a) 2nd sent	48345	8280.3(h)
47620	8276.5(a)(1),(2)	48350	8280.3(i)
47625	8276.5(a)(3)	48355	8280.6(b)
47630	8276.5(a)(4)	48360	8280.3(j)
47635	8276.5(a)(5)	48360	8280.6(c)
47640	8276.5(a)(6)	48500	8280
47645	8276.5(a)(7)	48505	8280.9
47650	8276.5(b)	48510	8280.7
47655	8276.5(d)	48650	8282
47660	8276.5(e),(f)	48655	9011(b)
47665	8276.5(i)	48660	8284(b),(c)
47800	8276.4(a) 1st sent	48800	12002.8(d),(e)
47805	8276.4(a) 2nd sent,(a)(1)-(7)	49005	8490
47810	8276.4(b)	49010	9024
47815	8276.4(c)	49015	8491
47820	8276.4(d)	49020	8492
47825	8276.4(e)	49205	8510
47830(a)	8276.4(f)	49310	7256
47830(b)	8276.5(c)	49315	2365
47835	8276.4(h)	49500(a)-(e)	8254
47900	8280.1(a)	49500(f)	12006(a)(2)
47905	8280.4(a)	49500(g)	12006(b) 1st, 3rd sent
47910	8280.6(a)	49500(h)	12006(b) 2nd sent
47915	8280.2(e) 2nd-4th sent	49500(i)	12157(c)(1)(C)
47920	8280.2(e) 1st sent	49500(i)	12006(b) 1st, 3rd sent
47925	8280.2(a)-(d)	49505	8257
47930	8280.1(g)(1)	49510	8259
47935	8280.1(g)(2)	49515	8254.7 1st-6th sent
47940	8280.5(a)-(e)	49600	8251
47945	8280.1(h)	49605	8252
47945	8280.2(f)	49610	9001.7(k)
47945	8280.2(f)	49615	8254.7 7th sent
47945	8280.4(b)	49700	8250.5(a)
47945	8280.5(f)	49700	9010(a)
47945	8280.6(d)	49705	9010(c)-(e)
48100	8280.1(b)	49710(a)	8258
48100	8280.1(d)	49710(b)	9010(b)

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
49715	8250.5(b)	51110	8842(c) 1st sent
49750	8250.5(c)	51115	8842(c) 3rd sent
49755	8253	51400	8399
49850	1021	51405	8399.1
49950	2301(a)(1)	51450	8420
49955	2301(e)	51455	8424
49960	2301(a)(2)(A)-(D)(i),(c)(2)	51460	8425(a)
49965	2301(a)(2)(D)(ii)-(iv)	51465	8425(b)
49970	2301(b)	51470	8428
49975	2301(c)(1)	51475	8429 1st sent
49980	2301(d)	51480	8429 2nd sent
49985	2301(g)	51485	8429.5
49990	2301(h)	51490	8429.7
49995	2301(f)	51905	5505
50000	2301(i)	52000	6300
50100	2302(g)	52005	6301
50105	2302(a),(b)	52010	6302
50110	2302(c)	52015	6303
50115	2302(d)	52020	6304
50120	2302(e)	52025	6305
50125	2302(f) 3rd sent	52030	6306
50130	2302(f) 1st, 2nd sent	52200(a)-(d), (g)	5050(a)
50255	8344	52200(e)	12008(d)
50405	8345	52200(f)	12159.5
50505	8405	52300	6895
50510	8405.1	52305	6896
50515	8405.2	52400	6850
50520	8405.3	52450	6851
50525	8405.4	52455	6854
50655	1068	52460	6852
50705(a)	9054 1st sent	52465	6855
50705(c)	9054 3rd sent	52500	6880
50705(d)	9054 4th sent	52505	6881 1st sent
50705(b)	9055	52505	6882
50710	9054 2nd sent	52505	6884
50955	8590	52510	6881 2nd sent
51000	8593	52515	6883
51005	8591	52520	6885
51010(a), (b)	8841(g)	53000(a)-(d), (g)	5050(a)
51010(c)	8841(i)	53000(e)	12008(d)
51015(b)	8595(a)	53000(f)	12159.5
51015(d)	8595(b)	53100	5060
51015(a)	9015(a)	53105	5061
51015(c)	9015(b)	53200	5062
51050	8594	53250	7149.3
51100(a)	8595(a)	53305	5000
51100(a)	8842(a) 1st para	53310	5002
51100(b)	8842(a) 2nd para	53315	5001
51105(a)	8842(b)		
51105(b)	8842(d)		