

February 18, 1957

Memorandum No. 4

Subject: Fish and Game Code

Since the December meeting Messrs. Stanton, Kleps, DeChambeau and I have engaged in three day-long sessions devoted to consideration of the Fish and Game Code, with particular reference to the comments of the Department of Fish and Game, the comments of the Legislative Counsel's office thereon, and Mr. Stanton's comments on both of these. (Those of Mr. Stanton's comments which you have not previously received are enclosed).

As a result of these discussions we are prepared to recommend a number of revisions of A.B. 616 for the consideration of the Commission. At the March meeting Mr. Kleps will make a formal presentation of A.B. 616 to the Commission and of the amendments thereof upon which we have agreed. The Commission will then have the opportunity to take its final action on revision of the Fish and Game Code and to formulate its recommendation to the Legislature respecting A.B. 616.

Please bring with you to the March meeting your copy of (1) A.B. 616, (2) the draft revision of the Fish and Game Code, (3) the present Code (4) the regulations and (5) your bradded folder of material relating to the Fish and Game Code, including therein the items attached.

Respectfully submitted,

John R. McDonough, Jr.
Executive Secretary

att.

Section

7707 Moving of section O.K. Staff comment O.K.

7708 Department O.K. The Staff comment mystifies me.

7709 The Department's comment under section 7708 regarding cross-references also applies to this section.

7850 Why are mollusks and crustaceans specifically mentioned in this section? Are they not included in "fish"? See Department's comment re Section 7852. Is it the purpose of the second paragraph of this section to prohibit a partnership, corporation or association from procuring a commercial fishing license? If so, the section does so in a roundabout and ambiguous way.

7852 O.K.

7853 O.K., if Staff comment taken care of.

7854 This would seem to be a "commission" function, particularly in view of sections 7855 and 7856.

7882 Staff suggestion O.K.

7888 Staff comment O.K.

7891 The cross-reference to section 845 should be corrected to show the new code sections.

Art. 5 O.K.

7920 O.K.

7921 O.K.

7922 O.K.

7923-7924 O.K.

8011 Consolidation with 8044 O.K.

8014 O.K.

8016 I concur in the Staff comments.

8018 O.K.

8019 O.K.

12/31/56

Section

- Article 7 O.K.
- 8041 O.K. Also, change "by wholesale" to "at wholesale".
- 8042 Should not 8042 be reconciled with 8040? The term "other products" in the third line of 8042(a) does not appear in 8040(b). What fee does a canner of "frozen or cold-pack crustaceans" pay? Does one who processes or deals at wholesale in mollusks or crustaceans pay any fee, since it appears obvious from 8040 that the term "fish" as used in that section (and presumably also every other section of the article) does not include "mollusks or crustaceans"? The second paragraph of old section 1012 speaks of "holding a license" rather than "paying a fee". Should not this concept be retained, particularly if the licenses are to be tagged as suggested by the Department?
- 8043 Why bury the provision applicable to "every other person dealing in fresh fish" in this article, which deals with "Packing and Processing Licenses & Taxes"? Do not the provisions of this section duplicate those of section 8011, at least in part? Can they be reconciled?
- 8044 O.K.
- 8045 As above indicated, it seems to me that the context of "fish" as used in section 8040 et seq. excludes mollusks and crustaceans from that term. Hence, is there a privilege tax on mollusks and crustaceans? The matter should be clarified, and I do not think that the rewording suggested by the Department does the trick.
- 8046 O.K.
- 8051 Yes, clarify.
- 8052 O.K.
- 8053 O.K.
- 8055 O.K.
- 8056 O.K.

8075

O.K.

8078

This change seems too substantive.

8101

How does the department "publicly announce" these matters? Should not some method of publicity be specified?

8105

O.K.

8151 O.K.

8152 Every?

8153 O.K.

8154 O.K.

8155 O.K.

8183 This section will be obsolete by time the Code is enacted.

8184)
8185)
8186) The reference to 8183 will be obsolete. Will this quota system be continued?

8210)
8211) Suggest that any ambiguity be clarified.

8212 O.K.

8213 O.K.

8215 O.K.

8216 O.K.

8250)
8251) Why is it necessary to duplicate these sections?

8251 Department suggestion O.K.

8252 O.K.

8253 Staff recommendation O.K.

8275 O.K.

8276 O.K.

8277 O.K.

8278 O.K.

8279 No as to substantive change, rest O.K.

8280 O.K.

8281 O.K.

8300 Department suggestion O.K. since scientific names are omitted elsewhere. See sec. 8313.

8303 O.K.
8306 O.K.
8307 O.K. if Department insists.
8308 O.K.
8309 O.K.
8310 O.K.
8314 O.K.
8315 O.K.
8316 O.K.
8341 O.K.
8343 O.K.
8344 Keep.
8345 O.K.
8346 O.K.
Article 8 & 9 Favor the Department's recommendation.
8370 Department suggestion O.K.
8372 O.K.
8373 Department suggestion seems too substantive.
8374 Where is the first sentence of old section 746?
8375 Keep.
8376 Leave as is.
8377 Keep.
8379 Keep first sentence. Accept Department's other recommendation.
8380 O.K.
8381 Keep.
8389 Keep.

8390 O.K.
8391 Keep.
8392 O.K.
8395-6
8395 O.K.
8396 Keep first sentence. Remainder of Department's suggestions O.K.
8434 O.K.
8435 See comment on section 2434.
8436 Keep.
8460 O.K.
8461 O.K.
8462 O.K.
8463 O.K.
8600 O.K.
8602 O.K.
8603 Staff suggestion O.K.
8604 Department's suggestion O.K.
8605 O.K.
8623 O.K.

2/4/57

Section

8630 Strike "city and county" in lines 7 & 12 in view of definitions. Delete last sentence.

8631 Add "or trap" after "net" in lines 3, 7 and 11 of this section. Department's suggestions O.K.

8632 Add "or trap".

8633 Add "or trap". Strike "city and county".

8634 Add "or trap".

8664 Should not "and" in line 3 of the Department's suggestion be "or"?

8665 O.K.

8686 O.K.

8687 O.K.

8692 O.K.

8693 O.K.

8698 O.K.

8720 O.K.

8722 O.K.

8724 O.K.

8805 O.K.

8842 O.K.

8870 Where do we stand, boys?

2/7/57

9000 O.K.
9002 O.K.
9005 Is it?
9026 O.K.
9050 807.5 relates to other things than Pismo clams. What about these other things?
9052 O.K.
10500 Changes suggested by Department seem too substantive.
10501 O.K.
10502 O.K.
10505 O.K. Why not strike "Fish and Game"?
10507-
10513 O.K.
10514 O.K. to delete.
10650 O.K. to clarify, but should not 10652 be included in the clarification?
10653 I do not understand why this is "meaningless".
10658-9 O.K.
10682 O.K.
10685 Delete "Fish & Game" and "of the State of California".
10710 Is it? What about use of the term "preserve"?
10711 O.K.
10800 Use of term "preserve". O.K. to insert date.
10831 O.K.
10832 O.K.
10834-
10839 O.K.

10841 O.K.
10881 O.K.
10900 What about use of term "preserves"?
10901-
10902 Same query
10925 O.K.
11029 Clarify, if not too late.
11038 O.K.

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
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Sacramento, California
February 20, 1957

Analysis of the Revised Fish and Game Code
Assembly Bill No. 616, 1957 Regular Session

This analysis of the revised Fish and Game Code shows the changes from the present law which would be effected thereby.

The revised code is based on the 1933 Fish and Game Code (Stats. 1933, Ch. 73, as amended). The revision was done by the California Law Revision Commission, pursuant to a 1955 concurrent resolution introduced by Mrs. Pauline Davis which requested such a revision (Stats. 1955, Res. Ch. 204). The drafting was done by the Office of Legislative Counsel, pursuant to a contract with the Law Revision Commission under which all policy decisions were referred to the Commission for its action thereon.

In preparing this analysis we compared the provisions of the bill as introduced with the text of the present law.* Throughout the revised code the language of the present law is rearranged, frequently with no change in legal effect. Such instances are noted in the analysis by the expression "no substantive change," or where the section is identical by "no change."

In certain instances in the bill a provision is inserted which is implied, but not expressed, in the present law. In such instances we have indicated that we think the bill does not add a new provision but simply rounds out the expression of the present law.

The analysis proceeds section by section as the provisions appear in the bill. The first number given is the number of the section in the bill. Following that,

*Where corrective amendments will be made by the Commission in March, they are indicated in the analysis by brackets.

and enclosed in parentheses, is an indication of the source of the provision in the present Fish and Game Code.

Several general matters concerning the revision should be noted:

(1) As a matter of arrangement, commercial fishing provisions relating to licensing and taking have been separated out and are treated together, commencing at Section 7600 and following, of the revised code.

(2) The general regulatory powers of the Commission with respect to the taking of fish and game - other than for commercial purposes - are set forth at Sections 200-250 of the revised code. Specific provisions are included to cover such problems as adequate availability of Commission regulations (Sec. 216), the superseding effect of Commission regulations (Sec. 219), and the continuance of Commission regulations as law if the general regulatory powers are terminated (Sec. 250).

(3) Insofar as the division of responsibility between the Fish and Game Commission and the Department of Fish and Game is concerned, no notation of substantive change is made in the event that the revised code merely reflects the existing law set forth in Sections 13, 13.1, 13.2 and 13.3 of the Fish and Game Code. A specific mention of substantive change is contained, however, where a shift from "commission" to "department" is made which appears to modify existing law.

(4) All penalty provisions have been arranged together at Section 12000 and following of the revised code.

(5) Many sections of the present Fish and Game Code, which apparently set seasons and limits for sport fishing, have been repealed because they have been superseded by Commission regulations.

(6) The general term "fish and game" has been replaced by "birds, mammals, fish and amphibia" throughout to reflect the Legislature's

construction of the general term. (See Sections 14, 15.4 and 16.3 of the Fish and Game Code.)

General Provisions and Definitions

- | | | |
|-------|----------|--|
| 1 | (1). | Surplusage deleted. |
| 2 | (New). | Found in other codes. |
| 3-4 | (3-4). | Conformed to other codes. |
| 5-6 | (New). | Found in other codes. |
| 7 | (3(2d)). | No substantive change. |
| 8-10 | (New). | Found in other codes. |
| 11 | (2(p)). | No change. |
| 12 | (49). | No change. |
| 15-22 | (2). | No substantive change. |
| 24 | (New). | Added for completeness. |
| 27-41 | (2). | No substantive change. |
| 45 | (2(h)). | "Amphibia" excluded from definition of "fish" and thereafter added to section where deemed appropriate. ["Wild" will be amended in before "fish."] |
| 48-54 | (2). | No substantive change. [Or "Amphibia" will be amended in after "fish" on page 3, line 4.] |
| 56 | (840). | No substantive change. |
| 57 | (2). | No substantive change. |
| 60 | (New). | Found in other codes. |
| 62 | (2(k)). | No substantive change. |
| 64 | (New). | Added for completeness. "Regulation" used throughout code. |

- 67-77 (2). No substantive change.
79-83 (New). Found in other codes.
86 (2(e)). "Possess" deleted from definition of "take."
88 (2(m)). No change.

Division 1. Fish and Game Commission

Chapter 1. Organization

- 101 (New). Clarification.
102 (12). Bond requirement deleted and provision made for vice-president of commission.
103 (11). No substantive change.
104 (13). No change.

Chapter 2. General Regulatory Powers

Article 1. Regulations

- 200 (14). Substitutes "birds, mammals, fish, amphibia and reptiles" for "fish and game" to conform to language of remainder of article.
201 (19.4). No substantive change.
202 (14.1). No substantive change.
203 (16.3). No substantive change. "Areas" and "subspecies" used to clarify application of existing law.
204 (New). Specific exceptions to regulatory powers existing in other sections of code.
205 (15.4). No substantive change. "Areas" and "subspecies" used to clarify application of existing law.
206 (14.2). No substantive change.

- 207 (15). No substantive change.
- 208 (15.1). No substantive change.
- 209 (15.2). No substantive change.
- 210 (15.3). No substantive change.
- 211 (16). No substantive change.
- 212 (16.1). No substantive change.
- 213 (16.2). No substantive change.
- 214 (16.4). No substantive change. Last sentence added to clarify relationship with Section 4181 re depredation permits.
- 215 (17). No substantive change.
- 216 (18). No substantive change, except last sentence requires combined publication of statutes and regulations.
- 217 (18). No change.
- 218 (19.5). No substantive change.
- 219 (New). Requires a specific designation of statutes to be superseded by commission regulation.
- 220 (New). Specifies duration of regulations.
- 221 (19.6). No substantive change.

Article 2. Continuance of Regulations

- 250 (New). Continues regulations as enactments of the Legislature if delegation of regulatory powers ceases to have effect.

Chapter 3. Other Regulatory Powers

Article 1. Generally

- 300 (497 and 1158). Filing of regulations with Secretary of State placed in single general section.

- 301 (37). Deletes requirement that accidental killing be "in violation of the provisions of this code."
- 302 (495). No substantive change.
- 303 (Stats. 1955, Ch. 349). No change.
- 304 (1156). No substantive change. "Department" for "commission" re stocking of areas with game birds and mammals.
- 305 (Stats. 1955, Ch. 349). No change.
- 306 (39.3). No substantive change.
- 307 (39.2). No substantive change. ["Or amphibia" will be amended in after "mammals" in lines 19 and 23.]
- 308 (698.1 and 92). No substantive change.
- 309 (1075). Commission's subpoena powers broadened to include any commission investigation or hearing under code.
- 310 (669). No substantive change.

Article 2. Special Seasons

- 325 (39.1). "Mammals" substituted for "big game animals" and "upland" deleted with respect to game birds. "Areas, districts or portions thereof" substituted for "fish and game districts."
- 326-328 (39.1). No substantive change.
- 329 (39.1). Deposit in Fish and Game Preservation Fund deleted. Covered generally by Section 13001.
- 330 (1159). No substantive change.
- 331-333 (1346-1347). No substantive change.

Article 3. Migratory Birds

- 355 (39). Clarifies power of commission under treaty to further restrict federal regulations.

- 356 (1202). Deletes requirement for filing with Secretary of State. Covered by Section 300.
- 357 (380). No substantive change.
- Article 4. California - Arizona Compact
- 375 (445). No substantive change.
- Article 5. Reciprocal Agreements
- 390 (446). "Angling" license substituted for "sport fishing" license to conform to usage. "Uniformity of interpretation" clause deleted as unnecessary.
- Chapter 4. Acceptance of Federal Acts
- 400 (1420). Duties given to department but approval power retained in commission.
- 401 (1425). Duties given to department but approval power retained in commission.
- Division 2. Department of Fish and Game
- Chapter 1. Organization
- Article 1. Generally
- 700-701 (10). No substantive change.
- 702 (13). No substantive change.
- 703 (13). No substantive change. ["shall be guided by such policies and" will be amended in after "director" in line 49.]
- 704 (13). No substantive change. Obsolete material deleted.
- 705 (32) Biennial report made responsibility of department instead of commission. "Concerning all transactions and disbursements under this code" deleted as unnecessary.
- 706 (13.2). No substantive change.
- 707 (21.5). No substantive change.

Article 2. Marine Research Committee

725-730 (1015.4-1015.5). No substantive change.

Chapter 2. Deputies, and Other Employees;

County Wardens

Article 1. State

850-852 (20-21). No substantive change.

853 (21). "Commission" changed to "department" since director is appointing power.

854-855 (21.1 and 23.6). No substantive change.

Article 2. County Fish and Game Wardens

875-878 (40-41). No substantive change.

879 (40). "Commission" changed to "department."

880-882 (42) No substantive change.

Chapter 3. Other Powers and Duties

Article 1. Generally

1000-1001 (31,33). No substantive change. "Department" substituted for "commission" because duties are administrative.

1002 (35). Issuance of scientific permits made duty of "department" subject to regulation of commission. Exception for condors is based on Section 3508.

1003-1005 (36, 1393, 39.8). No substantive change. "Department" substituted for "commission."

1006-1007 (23,28). Same. Duty of inspection and importation made permissive rather than mandatory.

1008-1011 (30, 48.5, 329, 22.5). No substantive change. "Department" substituted for "commission." [In 1011 "and shall be paid out of the Fish and Game Preservation Fund" will be amended in at line 13.]

Article 2. General License Provisions

- 1050 (400,13.3). No substantive change. "Department" made issuing agency rather than "commission."
- 1051-1054 (401,402,404,405,1201.7 and 1283). No substantive change except "license tags" added, and "lawfully" inserted in Section 1052(b).
- 1055 (407). "Department" substituted for "commission" in issuance of licenses and language clarified. No substantive change except "license tags" added.
- 1056-1060 (407-411). "Department" made issuing agency instead of "commission." No substantive change except "license tags" added.
- 1110 (1110). Initiative measure codified at appropriate portion of revised code (Section 7891).

Article 3. State Fish Hatcheries

- 1120 (25,25.1). No substantive change. "Breederries" deleted. ["Commission" will be substituted for "department" before "shall establish" in line 9, and "The department shall" will be amended in before "maintain,"]
- 1121 (25). "Or other public agency" added to cover all hatchery leases.
- 1122 (25). No change.
- 1123 (26). "Department" for "commission." No substantive change except importation made permissive, rather than mandatory.
- 1124 (488). "Department" for "commission." No substantive change.
- 1125 (34). No substantive change.

Article 4. County Fish Hatcheries

- 1150 (27). No change.

Chapter 4. Wildlife Conservation Law of 1947

1300-1375 (1450-1475). No change, except obsolete phrase relating to proceedings pending on September 9, 1953 was deleted from Section 1349.

Chapter 5. Fish and Game Management

Article 1. Generally

1500-1504 (39.7,31.1,38,38.5 and 330). No substantive change.

Article 2. Wildlife Management Areas and Game Farms

1525-1528 (325-328). No substantive change except: "department" to acquire subject to approval by "commission" and "wildlife management area" added throughout article.

1529 (331). "Lands to which the public has access during the hunting season" substituted for "public lands" to reflect current administrative practice. "Department" for "commission" in determining area to be planted.

1530 (340). No substantive change.

Article 3. Cooperative Hunting Areas

1570-1572 (1159). No substantive change. Section 1571 modified to specifically designate the two classes of areas presently provided, as "waterfowl" (1,000A) and "other than waterfowl" areas (5,000A).

Division 3. Fish and Game Generally

Chapter 1. Taking and Possessing Generally

2000 (450). No substantive change. Rephrased.

2001 (453). "Where taken" after "open season" to clarify and to specify administrative practice. "If legally taken or brought into the State during the open season"-deleted. Covered by other provisions, e.g. Sections 2002 and 2353.

2002 (452). No substantive change.

- 2003 (461). No substantive change.
- 2004 (1160). No substantive change.
- 2005 (1151). "Game" deleted before "fish" in line 7 because "game fish" is undefined. Exceptions broadened to cover night fishing permitted by commission regulations, e.g. for amphibia. Also excepts the taking of predators and destructive mammals, which may be taken at night. "Mammal for which there is an open season" substituted for "game animal" because latter is undefined. ["For which there is an open season" will be amended in after "mammal" in line 17.]
- 2006 (1162). No substantive change. "Firing chamber" substituted for "barrel" in line 31.
- 2007 (1154.5). No change.
- 2008 (1154). No change except last phrase moved to Section 2009.
- 2009 (New). See 2008.
- 2010 (1153). No change.
- 2011 (450.1). "Or other game" deleted following "mammal" in line 49 as surplusage.
- 2012 (403). No substantive change except "license tags" added.
- 2013 (454). No substantive change.
- 2014 (21.4). No substantive change, except "game" changed to "birds and mammals."

Chapter 2. Importation and Transportation
of Undesirable Live Wild Animals

Article 1. Generally

- 2116 (1165). "Wild animal" used in place of "wild bird or animal" throughout chapter.

2117-2122 (1165.1-1165.6). No substantive change.
"Commission" changed to "department" in Section 2119.

Article 2. Permits

2150-2153 (1166-1166.2). No substantive change.

Article 3. Regulation and Enforcement

2185-2190 (1167-1167.5). No substantive change.

Chapter 3. Imporation and Transportation of Other Live Birds, Mammals and Fish

Article 1. Birds

2225 (1180). No substantive change. "Live" inserted to clarify.

Article 2. Mammals

2250 (1323). No substantive change. "Department," rather than "commission," to issue permit.

2251 (1324). "License" substituted for "permit" because an annual licensing is involved. No substantive change.

Article 3. Fish, Amphibia and Aquatic Plants Generally

2270-2273 (562,563,570,610.7). No substantive change.

Article 4. Domesticated Fish

2301 (1035). License requirement for out-of-state hatchery deleted and requirement for lawful operation inserted. "Department," rather than "commission" issues license. "License" substituted for "permit." ["Live," will be amended in before "domesticated" in line 40.]

2302 (1036,1037). "Department" substituted for "commission" in issuance of permit; out-of-state hatchery license deleted as in 2301.

2303 (1044). "Domesticated" substituted for "domestically-raised." Reworded to reflect administrative practice.

- 2304 (1035). Section rephrased for clarity. Tagging of imported, domesticated fish required when they are killed for human consumption. (See Section 2430). ["Such" will be amended in before "imported" in line 8.]

Chapter 4. Importation and Transportation of Dead Birds, Mammals, Fish and Amphibia

Article 1. Dead Wild Birds, Mammals, Fish and Amphibia

- 2345 (New). Clarifies coverage of article.
- 2346-2349 (455-457). No substantive change.
- 2350 (458). No substantive change. Issuance of license by "department" rather than "commission."
- 2351 (458.1). No substantive change except "bird and mammal" substituted for "game" and "angling" for "sport fishing." ["Pursuant to law or commission regulation for issuance with" will be amended in after "provided" in line 6.]
- 2352 (1180). No substantive change.
- 2353 (460). Commission permit requirement deleted and department given authority to designate form declarations of importation and agency before whom made. Last paragraph rephrased for clarity.
- 2354 (744). No substantive change.
- 2355 (1292). No substantive change except compliance with other state's law required rather than out-of-state permit.
- 2356 (624). "Angling license" for "sport fishing license."
- 2357-2360 (623,697,698.5). "Area" substituted for "district" where taken. "Nearest judge" substituted for "a judge" in area. (See Section 4341.)
- 2361 (660). "For commercial purposes" added for clarity (see F.& G. Code Section 651.1).
- 2362-2364 (867,725.5,790). No substantive change.

- 2365 (786). "Prescribed in this code" deleted after "closed season" since commission may order a closed season for spiny lobsters, as to sport fishing.
- 2366 (797). No substantive change except "or chowder" deleted after "meal."
- 2368 (807). Section limited to clams "taken in this state" and "transported" changed to "shipped."
- 2369 (805). No substantive change.
- 2370 (804). No change.
- 2371 (1011.5). No substantive change except "department" for "commission" in issuance of permit.

Article 2. Dead Domesticated Birds
and Mammals

- 2400-2401 (1388,1384.6). No substantive change. "dead" inserted to clarify application. [Reference to "3205" in line 32, p. 36 will be changed to "3206."]

Article 3. Dead Domesticated Fish

- 2430 (1038). No substantive change except deletion of "during the period for which the license was issued if originating within this State" after "alive" in line 2, page 37. Conforms to administrative interpretation.
- 2431 (1035). No substantive change. Language clarified to specify "dead" domesticated fish (see Sections 2301 and 2304). "License" for "permit". "Commission" changed to "department" in issuance of license.
- 2432-2433 (1043,1046). No substantive change.

Chapter 5. Hunting and Fishing Guides

- 2535-2540 (470-471). No substantive change.
- 2541 (473). Clarified, no substantive change.

Division 4. Birds and Mammals

Part 1. Provisions Generally Applicable to Both

Chapter 1. General Provisions

Article 1. Methods of Taking

- 3000 (1150). Sunrise "at the place of taking" specified to conform to commission regulations. Exception for other provisions broadened. ["And fur-bearing mammals" will be deleted from line 33.]
- 3001 (1161). "Take birds or mammals" substituted for "hunt."
- 3002 (1152). Exception broadened to include taking under Section 4500.
- 3003 (1152.5). Issuance by "department" rather than "commission."
- 3004 (1163). No substantive change. "To hunt or" added in line 50 and language clarified.
- 3005 (1155). Exception broadened to cover, in last paragraph, authorized taking under other sections. [Last sentence will be deleted.]
- 3006 (459). "Department" for "commission."
- 3007 (420). No substantive change. [Section 3030 will be renumbered 3007 and amended to read: "Every person who takes any bird or mammal, other than a predatory bird or mammal, shall procure a license or permit therefor."]

Article 2. Hunting Licenses

- 3030 (420). See 3007.
- 3031-3037 (427, 424, 39.9, 422, 423, 429, 431). No substantive change. ["Type of game" will be deleted from line 31, page 40, and "birds and mammals" amended in.]

Article 3. Special Colorado River
Hunting Licenses

- 3060-3063 (440, 444.3). No substantive change, except "department" to issue licenses subject to

commission regulations.

Article 4. Possession of Birds and
Mammals After Season

- 3080 (453). Specifies open season "where taken" and specifies an exception for tagged pheasants legally taken (see Section 3082).
- 3081 (1275.5). Elk and antelope added to conform to Sections 331 and 332. Open season "where taken" specified.
- 3082 (1201.10). No substantive change.
- 3083 (453.5). "Frozen food" locker substituted for "cold storage" locker to conform to Health and Safety Code Section 28700. "Department" for "commission." ["Out of any money available for the support of the department" will be amended in at end of section.]
- 3084-3086 (453.6-453.8). No substantive change except "department" for "commission" throughout and "frozen food" locker used for "cold storage" locker.

Chapter 2. Commercial Activities

Article 1. Domesticated Game Breeding

- 3200 (1380). Specifies "keeps in captivity" for "harbors" and mammals "which normally exist in the wild in this State." "Selling" deleted because covered by Section 3201. Thirty day period specified for possession without any requirement of a license. Exceptions added to clarify effect of other sections of code (see Sections 3283, 3212 and 3213).
- 3201 (1390). Issuance of license by "department" rather than "commission." No substantive change except revocation procedure added. ["The commission" will be amended in before "may" in line 15 and a reference to the administrative hearing procedure will be added after "cause" in line 16.]
- 3202 (1380.1). No substantive change.

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- 3203 (1381). No substantive change. "Department" for "commission."
- 3204 (1382). "Entitle the licensee to raise, sell, and transport game birds and mammals" deleted as surplusage and for clarification. "Held in captivity" substituted for "place where propagated" for clarity in last sentence.
- 3205 (1389). No substantive change.
- 3206 (1383). Cross-reference to Section 2401 added for clarity. "Department" for "commission" in sale of tags. Specifies that tag or seal may be sold to one legally in possession of domesticated game even if not a game breeder. "Large mammal" substituted for "deer." (See Section 3209.)
- 3207 (1384). No substantive change. "Department" for "commission."
- 3208 (1387). No substantive change. "Department" for "commission."
- 3209 (1386). No substantive change.
- 3210 (1387.5). No substantive change. "Department" for "commission."
- 3212 (1392). "Department" for "commission." Reference to raising or importing under a domesticated game breeder's license added to reflect administrative construction. ["3206" will be amended in for "3205" in line 47.]
- 3213 (1392.5). No substantive change. "Department" for "commission." ["3206" will be amended in for "3205" in line 10.]
- 3214 (1394). No substantive change except "department" for "commission."
- 3216 (1385). No substantive change. Specifies exceptions for pheasant clubs and training of hunting dogs (See Section 3270 and following, and Section 3510).
- 3217 (1385.5). No substantive change. ["3206 will be amended in for "3205" in line 23.]

3218 (1395). Revocation procedure under Administrative Procedure Act specified. Prohibition against reissuance limited to "same license year" to conform to Section 3246.

3219 (1340). No substantive change.

Article 2. Commercial Hunting Clubs

3240 (1360). No substantive change. Exception based on Section 3283.

3241-3246 (1361-1366). No substantive change except "department" for "commission" in Section 3243 and reference in Section 3246 to revocation procedure under Administrative Procedure Act.

Article 3. Licensed Pheasant Clubs

3270 (50). No substantive change except "department" for "commission." "Pheasant" used throughout article for "game bird" since article is limited to pheasants.

3271-3279 (50,50.1,54,54.1,50.2). No substantive change. "Pheasant" used throughout.

3280 (51). No substantive change except commission "approves the issuance" rather than "issues" the license.

3281-3282 (51). No substantive change. Commission "authorizes the collection" rather than "charges" an inspection fee.

3283 (52). No substantive change. Exceptions clarified.

3284-3285 (53,55). No substantive change.

3286 (55.5). Rephrased for clarity.

3287 (56). No substantive change. "Department" for "commission."

3288 (57). No substantive change. Rephrased for clarity.

3289-3291 (58,59,59.5). No substantive change.

Part 2. Birds

Chapter 1. General Provisions

- 3500-3505 (1170-1174,1178). No substantive change.
- 3506 (1176.5). No substantive change.
- 3507 (1179). No substantive change. "Department" for "commission." "Protected, native" deleted before "nongame bird" as unnecessary since all birds are protected under Section 2000. (See Section 3500.)
- 3508 (1179.5). No substantive change; surplusage deleted.
- 3509 (1171.1). No substantive change. Surplusage deleted; last clause from Section 1184 of present code (Section 3500 of revised code).
- 3510 (1184). No substantive change. "Department" for "commission."

Chapter 2. Particular Varieties

Article 1. Pheasants

- 3651 (1201.1). Exceptions added for licensed pheasant clubs and training of dogs.
- 3652-3660 (1201.3, 1201.4,1201.9,1201.11,1185). No substantive change.

Article 2. Other Species

- 3680-3681 (1176.6,1203). No substantive change.

Chapter 3. Predatory Birds

- 3800-3805 (1175,1176,1155.5,29,1182,29.1). No substantive change. "Department" for "commission" in Section 3805.
- 3806 (1204). No substantive change except "department" for "commission" in issuance of licenses. (See Section 13.3 of Fish and Game Code.)

Part 3. Mammals

Chapter 1. Fur-Bearing Mammals

- 4000 (1310). No change. ["Beaver" will be amended out in line 6.]
- 4001 (1311). No substantive change. Deleted material superseded by commission regulations.
- 4002-4003 (1312,1314). No substantive change except "department" for "commission." (See Section 13.3 of Fish and Game Code.)
- 4004 (1313). No substantive change. Deleted material covered by commission regulations.
- 4005-4010 (1315,1316,1317,1318,1319,1322). No substantive change. "Trapping" added to identify license; obsolete language deleted from 4006; and "department" for "commission" in 4008.

Chapter 2. Predatory Mammals and Depredators

Article 1. Predatory Mammals

- 4150-4151 (1230,1231). No substantive change.
- 4152 (1232,1155.5). No substantive change.
- 4153 (29,29.5). No substantive change. "Department" for "commission" in line 24.
- 4154 (34.5) No substantive change.
- 4155 (37.2). No substantive change. "Department" for "commission" in line 36.

Article 2. Depredators

- 4180-4182 (1321,1293,1294). No substantive change. ["Except beaver" will be amended out in line 46 on page 58.]
- 4183 (1340.6). No substantive change. Deleted material covered by commission regulations.
- 4184-4185 (1340.8,1340.7). No substantive change.

4186 (1342). No substantive change. Rephrased to reflect commission regulations. (See 14 Cal. Admin. Code 400(e).)

Chapter 3. Deer

Article 1. Taking Deer

4300 (1287). No substantive change. Deleted material covered by commission regulations.

4301-4304 (1289,1288,1290,450.3). No substantive change. Specifies procedure for antlerless deer.

Article 2. License Tags

4330-4333 (1276,1277,1278,1279). "Permit" added; "area" for "district."

4336 (1281). No substantive change. "Department" for "commission." Rephrased to cover antlerless deer.

4340-4341 (1285,1286). No substantive change.

Article 3. Archery Deer Hunting

4370 (1260). No substantive change. "During regular open season" added for clarity in line 41.

4371 (1273). No substantive change; surplusage deleted.

Chapter 4. Seals

4500-4501 (1343,1345). No substantive change except "department" for "commission" in line 7.

Chapter 5. Burros

4600-4606 (1403). No substantive change.

Chapter 6. Wild Boar

4650 (1405). No change.

Division 5. Reptiles

Chapter 1. Turtles

Article 1. Desert Tortoises

5000 (1400). No change.

Article 2. Terrapin

5020 (1401). No change.

Division 6. Fish

Part 1. Generally

Chapter 1. Miscellaneous

5500-5504 (480,29,485,487,487.5). No substantive change.

5505 (622). Rephrased to reflect commission regulations concerning use of fish for bait.

5506-5507 (490,491). No change.

5508 (492). Rephrased to cover fact that commission regulations also prescribe size and weight limits. ["by this code" will be amended out in line 15.]

5509-5511 (492.5,493.5,488.5). No substantive change except "department" for "commission" in Section 5511.

Chapter 2. Pollution

Article 1. General

5650 (481). No substantive change.

5651 (481,5). No substantive change. "Department" for "commission."

Article 2. Shellfish Area Contamination

5670-5674 (761-765). No substantive change.

Article 3. Trinity and Klamath River
Fish and Game District

5800-5802 (482-484). No substantive change.

Chapter 3. Dams, Conduits, and Screens

Article 1. General Provisions

5900-5904 (520,534,545,520.2,520.3). No substantive change. "Department" for "commission" in Section 5903.

Article 2. Dams and Obstructions

5930-5948 (521,522,522.5, 520.5,548,523-526,528-533, 526.5,526.6,482.5). "Department" for "commission" (page 68, lines 3, 7, 12 and 13; page 69, lines 11, 15, 23, 26, 32 and 35; page 70, line 7) reflects administrative practice. Policy retained by commission. (See Section 13 of Fish and Game Code.) ["Commission" will be amended into line 16, page 68, in place of "department."]

Article 3. Conduits and Screens:
Diversions Over 250 Cubic Feet
Per Second

5980-5993 (549,535,536,536.5-536.9,537-541). No substantive change. "Department" for "commission" throughout to reflect administrative practice. (see Section 13 of Fish and Game Code.) "Department of Water Resources" substituted for obsolete "Chief of the Division of Water Resources." "Conduits" for "diversions" in Section 5980.

Article 4. Conduits and Screens:
Diversions Less than 250
Cubic Feet Per Second

6020-6028 (550-555,536.8). No substantive change. Section 6024 clarified, and "department" for "commission" in Section 6028. "Conduit" for "diversion."

Chapter 4. Infected or Diseased Fish

6300 (New). Specifies application of chapter.

6301-6302 (564,565). No substantive change except "department" for "commission" in line 27.

6303 (566). Rephrased to specify reshipment out of state. "Department" for "commission."

6304-6306 (567-569). No substantive change.
"Department" for "commission" in Section 6304.

Chapter 5. Fish Planting and Propagation

Article 1. General Provisions

6400 (561). No substantive change. "Department"
for "commission."

6401 (1047). No substantive change.

Article 2. Registered Farm Ponds

6420-6427 (498-505). No substantive change except
"department" for "commission." (See Section
13.3 of Fish and Game Code.)

Article 3. Domesticated Fish Breeders

6450-6451 (1030-1031). No substantive change.

6452 (1032). No substantive change. Exception
added for clarification. (See Section 6480.)

6453-6456 (1033, 1034, 1048, 1049). No substantive change.
Surplusage deleted from Sections 6453 and 6455;
"department" for "commission" in Section 6455.

Article 4. Shellfish Cultivation

6480-6488 (814, 815, 816, 819). No substantive change.

6489 (820). No substantive change. "Minimal use"
specified.

6490-6510 (820, 820.1, 820.2, 821). No substantive change.

Chapter 6. Kelp and Other Aquatic Plants

Article 1. General Provisions

6650-6657 (580, 581, 582, 589.1, 583, 584, 587, 589). No sub-
stantive change. "Department" for "commission"
in Sections 6651 and 6652.

Article 2. Privilege Tax

6680 (588). No substantive change.

Article 3. Exclusive Leases

- 6700-6701 (590,591). No substantive change.
- 6702 (592). No substantive change except "department" executes lease "with the approval of the commission."
- 6703-6706 (593-596). No substantive change. "Department" for "commission" in Section 6706.

Chapter 7. Amphibia

Article 1. Frogs

- 6850-6851 (1350-1351). No substantive change.
- 6852 (1352). No substantive change. Last sentence specifies requirement of Section 6452 for domesticated fish breeder's license.
- 6853-6855 (1354,1352.5,1353). No substantive change except "department" for "commission." Language modified in Section 6854 to reflect commission regulations.

Article 2. Frog-jumping Contests

- 6880-6885 (1356-1356.5). No substantive change.

Part 2. Sport Fishing

Chapter 1. Generally

Article 1. Application of Part

- 7100 (New). Specifies application of part.

Article 2. General Provisions

- 7120 (692). No substantive change. Surplusage deleted. Sale or purchase covered by Section 7121. /"Taken under an angling license" will be amended in after "fish" at the end of section./
- 7121 (421). Addition of "purchase" based on Section 692 of Fish and Game Code.

Article 3. Angling Licenses

- 7145-7148 (420,422,423,610.5). No substantive change. "Angling" substituted for "sporting fishing" throughout to reflect current usage.

7145-7148 (contd) "Department" for "commission" in Sections 7146 and 7147.

7149 (428,430). No substantive change. Provisions as to duration of license from Section 430 of Fish and Game Code.

7150-7155 (428.1,429,429.5,429.6,429.8). No substantive change except license agent deleted. "Department" for "commission" in Section 7154.

Article 4. Reciprocal Angling Licenses

7180-7185 (441,442,444-444.3). No substantive change. "Stamp" substituted for "permit."

Article 5. Processing and Preserving of Fish Taken Under Angling License

7230-7231 (670,696). No substantive change.

Chapter 2. Particular Varieties of Fish

Article 1. Salt Water Fish

7254 (716). No change.

7255 (745). No substantive change. (See Section 8388).

Article 2. Pismo Clams

7290 (807). No substantive change.

Article 3. Clams Generally, Mollusks, and Crustaceans

7332 (807.5). No change.

Part 3. Commercial Fishing

Chapter 1. Generally

Article 1. Application of Part

7600 (New). Specifies application of part.

Article 2. General Provisions

7700-7708 (1060-1064,1109,1072,1074,1076,1077). No substantive change. "Department" for "commission" in Section 7702.

Article 3. Commercial Fishing Licenses

- 7850 (990). No substantive change. Last paragraph based on Section 561.1 of Fish and Game Code.
- 7851-7855 (991,992,994,995,995.1). No substantive change.

Article 4. Vessel Registration

- 7880-7890 (1099-1107.5). No substantive change. "Department" for "commission" throughout.
- 7891 (1110). Specifies application of 1938 initiative act.

Article 5. Fishing Party Boat Licenses

- 7920-7924 (432.5,432.6,990.1). No substantive change. Sections 7920 and 7924 clarified. Surplusage deleted.

Article 6. Commercial Fishing Reports

- 8010 (1090). No substantive change. "Department" for "commission."
- 8011 (1091). No substantive change. Exception for freshwater bait based on Section 561.1 of Fish and Game Code.
- 8012-8022 (1092-1095,1014,1097,1108,1073,1017,1018,1098,1096.5). No substantive change. "Department" for "commission" throughout. For licenses in Section 8019 see Section 8042.

Article 7. Packing and Processing Licenses and Taxes

- 8040-8041 (1010-1011). No substantive change. "Commission" preparation of licenses deleted from Section 8041.
- 8042 (1012). No substantive change. ["To hold the license designated" will be amended into line 41 in place of "to pay only the fee specified."]
- 8043-8056 (1013,1015-1016.2,1016.5,1019). No substantive change. "Department" for "commission" throughout. Sections 8045 and 8047 rephrased for clarity;

8043-8056
(contd)

obsolete language deleted from Section 8046.
/The following will be amended in as a substitute for the last paragraph of Section 8045:
"Fish so taken or received, other than salmon, mollusks, and crustaceans, which are utilized for human consumption in a fresh state shall not be subject to the tax." [In Section 8046, "and 731" will be deleted from line 26.]

Article 8. Reduction Permits

8075-8080 (1068). No substantive change.

Article 9. Yellowtail Canning

8100-8106 (717.1). No substantive change.

Chapter 2. Particular Varieties of Fish

Article 1. General Season

8140 (New). This section specifies that there is no closed season for fish taken for commercial purposes, in the absence of a specific provision. It is required to reflect the administrative interpretation of the general prohibitory language in Section 2000 (Section 450 of the Fish and Game Code).

Article 2. Sardines

8150-8158 (741, 1065-1067, 1071). No substantive change.

Article 3. Anchovies

8180-8189 (747, 748). No substantive change. Obsolete language deleted from Section 8183.

Article 4. Salmon

8120-8219 (651, 651.1, 651.5, 667, 665, 666, 668, 664, 663, 669). No substantive change. Exception in Section 8212 based on Section 666.5 of Fish and Game Code. "Period when salmon may not be taken for commercial purposes" substituted for "closed season" in Section 8213.

Article 5. Lobster

8250-8253 (781-783,785). No substantive change. Deletion from Section 8252 covered by Section 5508.

Article 6. Crab

8275-8281 (787,787.5,788,789,791,791.6,790.1). No substantive change. Deletion from Section 8278 covered by Section 5508.

Article 7. Abalones

8300-8303 (792,795,796,798). No substantive change.

8304-8306 (794,794.5,802). No substantive change. Size limits in Section 8304 adjusted to last-enacted provisions of Section 802 of the Fish and Game Code. "Department" for "commission" in Section 8306.

8307-8317 (801.5,802.1,793). No substantive change. Certificate designated "abalone boat registration certificate" in Section 8314.

Article 8. Clams and Other Mollusks

8340-8342 (803,811,809). No substantive change. [There will be amended in after "cockles" in line 18, the following: "including thin-shelled littleneck, common littleneck, Japanese littleneck, rough-sided littleneck, smooth chione, wavy chione, and banded chione."]

8343 (808). No substantive change. Sport fishing provisions deleted because superseded by commission regulation.

8344 (812). No change.

8345 (813,813.5). No substantive change. ["Bay" will be amended out in line 2, and "Pecten circularis" will be substituted in line 3.]

8346 (806.5). Rephrased to conform to Section 8345. Deleted language relating to sport fishing superseded by commission regulations.

Article 9. Salt Water and Anadromous

Fish Generally

- 8370-8371 (697.5, 696). No substantive change.
- 8372 (714.7). No substantive change. "Rock bass" deleted as obsolete. Application of article or importation specified.
- 8373 (701,704,727,728). No substantive change. Exception based on Section 725.5 of the Fish and Game Code.
- 8374-8379 (733-738). No substantive change.
- 8380 (739). No substantive change. Surplusage deleted.
- 8381 (740). No change.
- 8382 (713). No change.
- 8384 [amended
8385] (714,714.5,715,717). Exception added to specify authorized taking and possession of undersize fish by commercial fishermen, resolving conflict between Sections 717 and 714, 714.5 and 715 of present law. ["by the holder of a commercial fishing license" will be amended in after "possessed" line 8. Section number will be amended from 8385 to be 8384.]
- 8385 (746). No substantive change. [Section 8385 will be added by amendment, will contain the provisions of Section 746 of the Fish and Game Code, and will read: "No person holding a commercial fishing license while on any barge or boat which for hire carries any sport fisherman may take or have in his possession in any one day more than the aggregate number of the following kinds of fish permitted in the case of sports fishing: bluefin tuna, yellowfin tuna, skipjack, yellowtail, marlin, broadbill swordfish, black sea bass, albacore, barracuda, white sea bass, bonito, rock bass, kelp bass, California halibut, California corbina, yellowfin croaker and spotfin croaker."]

- 8386 (716). No change.
- 8387 (717.5). No substantive change.
- 8388 (745). No substantive change.
- 8391 (729). No change.
- 8392 (730). Rephrased to specify authorized taking and possession, but not sale, of undersize fish by commercial fishermen. ["taken, possessed, or" will be amended in after "may be" line 36.]
- 8393 (742). No substantive change. "Swordfish" deleted since Marlin are sailfish not swordfish.
- 8394 (741.5). No substantive change. Marlin deleted. (See Section 8393.)
- 8395 (726). No substantive change. Revised to clarify prohibition against taking south of Point Arguello.
- 8396 (780). No substantive change.
- Article 10. Fresh Water Fish Generally
- 8430 (625). No change.
- 8431 (626). No substantive change.
- 8432 (627). No change.
- 8433 (628). No change.
- 8434 (484.5). No change.
- 8435 (724). No substantive change.
- 8436 (692,707,709, and 712). Expanded to include all members of sunfish family. ["Sacramento perch, crappie" will be amended into parentheses preceding "black bass," line 38.]
- 8437 (719). No change.

Article 11. Freshwater Fish for Bait

- 8460 (561.1). No substantive change except permit changed to "live freshwater bait fish license," and permit changed to license to conform in remainder of the article.
- 8461 (561.2). Reference to whom payment shall be made deleted.
- 8462 (561.3). No substantive change.
- 8463 (622.5). No substantive change.

Chapter 3. Nets

Article 1. Generally

- 8601 (841). No substantive change.
- 8602 (848). No change.
- 8603 (842 and 490.5). Applies prohibition against use of spear to all fish.
- 8604 (843.5). Provides exception for employees of department rather than deputies of commission.
- 8605 (849). No substantive change. "Department" for "commission."

Article 2. Nets for Particular

Varieties of Fish

- 8620 (860). No substantive change.
- 8621 (864). No substantive change.
- 8622 (865). No substantive change.
- 8623 (868). No substantive change.

Article 3. Seizure

- 8630 (845). "Department" for "commission."
- 8631 (845). "Department" for "commission."

- 8632 (845). "Department" for "commission."
8633 (845.2). No substantive change. Revised to clarify application of Section 8634.
8634 (845.1). No substantive change. Revised to clarify application of Section 8633.

Article 4. Nets Generally in
Particular Districts

- 8660 (846). No substantive change.
8661 (847). No substantive change.
8662 (850). No change.
8663 (851). No substantive change.
8664 (843). No substantive change.
8665 (929). No substantive change.
8666 (887). "Department" for "commission" as to issuance of permits and marking of river mouths.
8667 (887). No substantive change.
8668 (887). No substantive change.
8669 (887). No change.

Article 5. Gill Nets

- 8685 (875). No change.
8686 (875.5). No substantive change. Obsolete language deleted.
8687 (877). No substantive change. Specifically excludes use of gill nets for salmon in these areas. (See Sections 8210 and 8211.)
8688 (878). No substantive change.
8689 (879). No substantive change.
8690 (880). No substantive change.

- 8691 (882). No substantive change.
- 8692 (883). No substantive change. Authority to possess nets on boat in District 15 deleted as unnecessary since use, not possession, is what is prohibited.
- 8693 (884). No substantive change. Specifically excludes use for salmon in these areas. (See Sections 8210 and 8211.)
- 8694 (885). No change.
- 8695 (886). No substantive change.
- 8700 (888). No change.

Article 6. Trammel Nets

- 8720 (900). Definition clarified. No substantive change.
- 8721 (901). No change.
- 8722 (902). No substantive change. Specifically excludes use for salmon in these areas. (See Sections 8210 and 8211.)
- 8723 (903). No substantive change.
- 8724 (905). No substantive change. Specifically excludes use for salmon in these areas. (See Sections 8210 and 8211.)
- 8725 (907). No change.

Article 7. Round Haul Nets

- 8750 (920). No substantive change.
- 8751 (921). No substantive change.
- 8752 (922). No change.
- 8753 (924). No substantive change.
- 8754 (925). No substantive change.
- 8755 (927). No change.
- 8756 (928). "Trout" substituted for "steelhead."

Article 8. Bait Nets

8780 (919) No substantive change.

Article 9. Beach Nets

8800 (940). No substantive change.

8801 (941). No change.

8802 (943). No change.

8803 (944). No change.

8804 (945). No change.

8805 (946). No substantive change. Obsolete reference to District 12C deleted.

8806 (947). No change.

8807 (948). No change.

Article 10. Trawl Nets

8830 (951). No change.

8831 (951.5). No substantive change.

8832 (952 and 955). No substantive change.

8833 (953). No substantive change.

8834 (954). No change.

8835 (955.5). No substantive change.

8836 (956). No substantive change.

8837 (958). No substantive change. ["8841" will be amended in for "8842" in line 33.]

8838 (958). No substantive change. Cross-reference to Section 8602 deleted and its provisions inserted in this section.

8839 (958). No substantive change.

8840 (958). No substantive change.

8841 (958). No substantive change.

8842 (951.1). No substantive change ["and 8841" line 21 will be deleted by amendment, "and" will be inserted following "8835"].

Article 11. Dip Nets

8870 (959). Limitation that dip nets may be used only to take "fish other than game fish" deleted. Game fish are undefined. Use of dip nets limited by present prohibitions against taking certain fish for commercial purpose (See Secs. 8370, 8371, 8372, 8373, 8430, and 8436).

Article 12. Other Nets

8890 (970.5). No change.

8891 (950.5). No change.

Chapter 4. Other Means of Taking

Article 1. Traps

9000 (970). No substantive change.

9001 (970.6). No substantive change.

9002 (971). No substantive change.

9003 (975). No substantive change.

9004 (975.5). No change.

9005 (976). No substantive change.

Article 2. Troll or Hand Lines

9025 (972). No change.

9026 (973). No substantive change. Terminology changed to reflect definition Section 77.

9027 (883). No change.

Article 3. Other Appliances

9050 (974). No substantive change. ["7332 and" will be amended in before "8303" in line 23.]

9051 (977). No substantive change.

Division 7. Refuges

Chapter 1. Refuges and Other Protected Areas

Article 1. General Provisions

- 10500 (250). No substantive change. "Preserve" deleted and "refuge" substituted throughout this division.
- 10501 (16.5). No substantive change. ["Established by the commission" lines 4 and 5, will be deleted by amendment.]
- 10502 (251). Issuance of permits by the department on authorization of the commission rather than issuance by the commission.
- 10503 (325). No substantive change.
- 10504 (326). No substantive change.
- 10505 (327). No substantive change.
- 10506 (252). No substantive change. Notice to the department rather than commission.
- 10507 (252.5). No substantive change.
- 10508 (253). No substantive change. "Department" for "commission."
- 10509 (254). No change.
- 10510 (451). No substantive change. Modified to clarify the areas involved.
- 10511 (290). No substantive change.
- 10512 (336). No substantive change. "Department" for "commission."

- 10513 (337). No substantive change.
10514 (338). Management and control to the department rather than commission

Article 2. Special Provisions
for Given Areas

- 10650 (271) No substantive change.
10651 (272). No change.
10652 (273 and 274). No substantive change. Permits issued by department rather than commission. [Between lines 28 and 29 there will be amended in: "It is unlawful to take any bird or mammal under a permit issued by the department unless the person possessing the permit is accompanied by a member of the commission, a deputy of the department, or the sheriff or deputy sheriff of Marin County."]
10653 (275). No substantive change.
10654 (276). No substantive change.
10655 (277). No substantive change.
10656 (278). No substantive change.
10657 (279). No substantive change. "Department" for "commission."
10658 (280). No substantive change.

Article 3. Federal Bird Reservations

- 10680-10685 (375, 375.6, 378, 379). No substantive change.

Article 4. Clam Refuges

10710-10711 (803.2, 804.5). No substantive change.

Article 5. Wilderness Areas

10740-10741 (332). No substantive change.

Chapter 2. Specific Refuge Boundaries

Article 1. Fish and Game Refuges

10770 (190). No change.

10771 (191). No substantive change.

Article 2. Fish Refuges

10800 (180). Expiration date modified to specify appropriate calendar date. ["Preserve", line 27, will be amended to "refuge."]

Article 3. Game Refuges

10820-10830 (130, 133, 136 -140, 143,145,147,148). No substantive change.

10831 (172). No substantive change. [Present Section 10832 will be amended to become Section 10831 and Section 10831 will be Section 10832].

10832 (150). No substantive change.

10833 (151). "Northeasterly" in lines 50 and 51 changed to "northwesterly" to conform to remainder of description.

10834-10839 (153,157,158,163,166,167). No substantive change.

10840 (170.1). No substantive change. "Properties" deleted as unnecessary.

10841 (171). No substantive change. ["Properties", line 41, will be deleted by amendment.]

Article 4. Waterfowl Refuges

- 10860 (200). No change.
10861 (201). No substantive change.

Article 5. Quail Refuges

- 10880 (210). No change
10881 (211). No substantive change.

Article 6. Marine Life Refuge

- 10900-10902 (220-222). No substantive change.

Article 7. Junior Fishing Reserve

- 10925 (506). No substantive change.

Division 8. Districts

Chapter 1. Boundaries

- 11000-11004 (60,62,62.6,63,64). No substantive change.
11005 (65 and 78). No substantive change. That portion of District 2 formerly described in Section 78 of the Fish and Game Code now incorporated with general description of District 2.
11006-11019 (65.5-77). No substantive change.
11020 (78). No substantive change. Part describing District 2 incorporated into Section 11005.
11021-11032 (80-91). No substantive change.
11033 (92). No substantive change. Authorization to commission moved to Section 308.
11034 (93). No substantive change.
11035 (95). No substantive change.
11036 (96). No substantive change. Initiative measure included.
11037 (97). No substantive change.
11038 (118). Cross reference to Section 794.5 of the

Fish and Game Code changed to reference to subject matter covered by that section.

11039 (118.5). No substantive change.

Division 9. Fines and Penalties

Chapter 1. General Provisions

12000 (1410 and 19.3). No substantive change.

12001 (1164). No substantive change.

12002 (1410). No substantive change. Modified, as are other sections in this division, to conform to change from reference by article and chapter to reference by section number. ["12012, 12013, and 12014," will be added by amendment to follow "12003," line 14.]

12003 (New). Added to clarify punishment for regulation which supersedes code section.

12004 (1410 and 1411). Modified to reflect change to specific section reference and, where specific section reference inappropriate, to reference to subject matter involved.

12005 (1410). No substantive change. See Section 12004.

12006 (432.5 and 1410). No substantive change. See Section 12004.

12007 (1410). No substantive change. See Section 12004.

12008 (450.3). No substantive change. See Section 12004.

12009 (472). No substantive change. See Section 12004. ["12164" line 22 will be amended to read "12165."]

12010 (1410). No substantive change. See Section 12004. ["8600" line 30 will be amended to read "8601."]

12011 (1417). No substantive change. See Section 12004.

12012 (1410.5). No substantive change.

12013 (450.1). No substantive change.

12014 (1176.6). No substantive change.

Chapter 2. Forfeitures, Revocations and
Seizures

12150 (1164). No substantive change.

12151 (1164.2). No substantive change.

12152 (1164.5). No substantive change.

12153 (993). Chapter reference changed to subject matter reference since sections of chapter are widely dispersed throughout this code.

12154 (1416). Violation of regulations added to reflect superseding of sections by regulations. Specific chapter reference changed to subject matter reference.

12155 (1415). Violation of regulations added to reflect superseding of sections by regulations. Specific chapter reference changed to subject matter reference.

12156 (1320). Violation of regulations added to reflect superseding of sections by regulations. Limited to violations relating to fur bearing mammals, in conformity with provisions relating to fish and birds and mammals.

12157 (1414). Violation of regulations added to reflect superseding of sections by regulations.

12158 (1417). Violation of regulations added to reflect superseding of sections by regulations.

12159 (24). Limited so that notice need be given person having possession only if he is known. "Department, in accordance with the commission's regulations," substituted for "commission" as to seizure.

12160 (24). No substantive change.

- 12161 (24). No substantive change.
- 12162 (24). No substantive change.
- 12163 (24). No substantive change. "Commission" to "department."
- 12164 (450.2). "Game," an undefined term, changed to "Bird or mammal" ["game" lines 28 and 29, will be amended to read "bird or mammal."]
- 12165 (472). Violation of regulations added to reflect superseding of sections by regulations.

Chapter 3. California Indians

- 12300 (1418). No substantive change.

Division 10. Revenue

Chapter 1. State

- 13000 (45). No substantive change. Obsolete reference to appropriations deleted.
- 13001 (47). No substantive change.
- 13002 (406). No substantive change. Authority to require bond of license agents covered by Section 1056. "Department" for "commission."
- 13003 (48). Violation of regulation added to reflect superseding of sections by regulations.
- 13004 (46). "Department" for "commission." Appropriation to commission added to cover commission expenses and compensation.

Chapter 2. County

- 13100 (48). No substantive change.
- 13101 (48). No substantive change.
- 13102 (48) No substantive change.

Division 11. Pacific Marine Fisheries Compact

Chapter 1. The Compact

- 14000 No substantive change. [This section and all following sections in this division will be amended into bill as a codification of Chapter 1447, Statutes of 1947.]
- 14001 (See 14000). No substantive change.
- 14002 (See 14000). No substantive change.

Chapter 2. The Commission

- 14100 (See 14000). No substantive change.
- 14101 (See 14000). No substantive change.
- 14102 (See 14000). No substantive change.
- 14103 (See 14000). No substantive change.
- 14104 (See 14000). No substantive change.
- 14105 (See 14000). No substantive change.

Section 6 of Chapter 1447, Stats. 1947 deleted as obsolete.

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