

MINUTES OF MEETING

OF

NORTHERN COMMITTEE

August 17, 1956
San Francisco

PRESENT

Members

Mr. Bert W. Levit, Chairman
Mr. Thomas E. Stanton, Jr.,
Professor Samuel D. Thurman

Staff

Mr. John R. McDonough, Jr.

Legislative Counsel's Office

Mr. George H. Murphy
Mr. Kent De Chambeau

1955 STUDY NO. 18(L) - FISH AND GAME CODE

The purpose of the meeting was to discuss recommendations made to the Law Revision Commission by the Department of Fish and Game with respect to the draft revision of the Fish and Game Code prepared by the Legislative Counsel's office. The action taken on the several suggestions made was as follows:

| <u>Page of</u> | <u>Revised</u> | |
|----------------|--------------------|--|
| <u>Draft</u> | <u>Section No.</u> | |

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13

Recommendation: In place of the words "its meat" substitute "any part thereof".

Action: It was noted that this would involve a substantive change from the draft code and it was

Page of Revised
Draft Section No.

decided to defer action on the recommendation until a later time.

3 13 Recommendation: After Section 13 insert a definition of the word "buy".

Action: Accepted.

4 23 Recommendation: Strike this whole section.

Action: Accepted.

4 24 First recommendation: After "including" strike "the" and insert "any part".

Action: Accepted.

Second recommendation: Delete the word "amphibia" from the definition of "fish".

Action: It was decided to defer action on this recommendation until the committee had had an opportunity to review the specific code sections which would be affected.

5 28 Recommendation: For "its meat" substitute "any part thereof".

Action: It was noted that this recommendation would involve a substantive change from the draft code and it was decided to defer action on the recommendation until a later time.

Page of Revised
Draft Section No.

- 5 29 Recommendation: Insert the word "immediately" before the word "prior".
Action: Accepted.
- 6 34 Recommendation: Insert the word "immediately" before the word "prior" in the third line of the section.
Action: Accepted.
- 6 36 Recommendation: After "offer" insert "or possess"; strike "possess for sale"; substitute "and" for "or" before "trade".
Action: Accepted.
- 6 37 First recommendation: Strike the words "including trawl lines".
Action: Deferred for later consideration.
Second recommendation: Substitute "by means other" for "otherwise".
Action: Accepted.
- 7 41 Recommendation: Do not amend the section.
Action: The Legislative Counsel staff members were asked to prepare a memorandum for the Law Revision Commission stating the problem involved and pros and cons as to the kinds of action which might be taken

Page of Revised
Draft Section No.

so that the Commission can discuss the matter with the Department of Fish and Game.

8 102

Recommendation: Delete requirement that president of the Fish and Game Commission be bonded.

Action: Recommendation not accepted for inclusion in the basic bill to revise the Fish and Game Code. However, it was reserved for consideration for inclusion in a possible second bill to be drafted by the Law Revision Commission in connection with its present work on the code, which would include a number of more substantive revisions than can be included in the basic Fish and Game Code revision bill.

8 201

First recommendation: Change title of chapter back to "General Regulatory Powers".

Action: Accepted.

Second recommendation: Insert the word "amphibia" in the section.

Action: Not presently accepted; to be reconsidered if the word "amphibia" is deleted from the definition of "fish" in Section 24 of the revised code.

Page of Revision
Draft Section No.

Third recommendation: Insert the word "reptiles"
in the section.

Action: Deferred for later consideration.

Fourth recommendation: Insert a comma after the word
"thereto" at the end of the fourth line on page 9 and
insert another comma after the word "provision" on
the next to the last line of the paragraph.

Action: Accepted.

Note: It was also decided to restore the original
language of the section with respect to delegation of
authority to the commission rather than to accept the
new language drafted by the Legislative Counsel's office.

At this point the committee departed from its consideration of the
recommendations of the Department of Fish and Game in regular order and
discussed whether Section 19 of the present Fish and Game Code should be omitted
entirely from the revised code or should be put in substance into Chapter 2 of
the revised code, which deals with the plenary powers of the Commission. It was
agreed that Chapter 2 should contain a section providing in substance the
following: "Any order made pursuant to this chapter shall supersede any existing
provision of this code on the same subject unless the code section expressly
provides that it may not be repealed, altered or amended by the commission".

It was agreed that the section should go on to include the substance of Section 300 in the draft code. It was also agreed that the section should be drafted in such a way as not to conflict with Sections 204 and 205 of the draft code. It was further agreed that the Legislative Counsel's staff would prepare a proposed code section embodying the points upon which the committee had agreed.

The committee then returned to a consideration of the recommendations of the Fish and Game Commission in the order in which they appear in the Department's memorandum:

| <u>Page of</u> <u>Draft</u> | <u>Revised</u> <u>Section No.</u> |
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204

First recommendation: Insert the word "areas" before "districts".

Action: Not accepted.

Second recommendation: Substitute the word "sub-species" for "varieties".

Action: Accepted. It was further agreed that the same change should be made wherever the recommendation is applicable throughout the code.

Third recommendation: Insert the words "areas or" before "territorial".

Action: Accepted.

Fourth recommendation: Change the word "the" to "their" before "taking".

Page of Revised
Draft Section No.

Fifth recommendation: In sub-paragraph (d) delete the words "any species or variety".

Action: Accepted.

10 204

Sixth recommendation: Redraft sub-paragraph (e).

Action: After the matter was discussed the Legislative Counsel's staff was asked to redraft this portion of Section 204 for later consideration by the committee. This action covered all further recommendations made to paragraph 3 of this suggestion.

Note: As to other suggestions made by the Department of Fish and Game with respect to Section 204, the committee: accepted the recommendations relating to "permitting", "established by statute", and to the underlined sentence; did not accept the recommendation to the words "or preserve".

10 205

The committee accepted the recommendation of the Department relating to the following: "sub-species", "areas or", "their", and subsection (d). The committee did not accept the recommendation with respect to the word "areas". (See parallel action taken concerning recommendations re Section 204).

| <u>Page of Draft</u> | <u>Revised Section No.</u> | |
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| 11 | 206 | <u>Recommendation:</u> Eliminate "cities and counties" in view of the fact that the word "county" is defined to include cities and counties. <u>Action:</u> Accept. |
| 12 | 208 | <u>Recommendation:</u> Add "department or other" at a designated point. <u>Action:</u> Accept. <u>Note:</u> It was also agreed to add "amphibia" in this section if it is taken out of Section 24, the section defining the word "fish". |
| 10 | 210 | The recommendation with respect to the word "sub-species" was accepted. The recommendation with respect to the word "kind" was not acted upon. |

Respectfully submitted,

John R. McDonough, Jr.
Executive Secretary