

Date of Hearing: April 18, 2023

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Rebecca Bauer-Kahan, Chair

AB 1760 (Committee on Water, Parks, and Wildlife) – As Introduced March 8, 2023

SUBJECT: Fish and Game Code

SUMMARY: Makes technical changes to the Fish and Game Code (FGC) recommended by the California Law Revision Commission (CLRC). Specifically, **this bill:**

- 1) Makes numerous technical, non-substantive changes to the FGC to improve organization and clarity, remove obsolete or redundant material, and make other technical clarifications and corrections. Examples of the changes include:
 - a) Clarifies word choice such as, changing “amphibia” to “amphibians,” “prescribed” to “adopted,” and removing gendered pronouns;
 - b) Repeals expired programs and funds;
 - c) Clarifies and updates cross-references;
 - d) Adds subdivisions; and
 - e) Updates obsolete agency names.
- 2) Includes one technical revision to the Big Game Management Account in reference to wild pigs that is not included in the CLRC recommendation (FGC § 3953).

EXISTING LAW: The FGC contains laws concerning fish and wildlife in California, including laws regarding the conservation and management of fish and wildlife resources and laws governing the recreational and commercial take of game and nongame species in the State. The FGC specifies the duties, responsibilities, and authorities of the Department of Fish and Wildlife (DFW) and the Fish and Game Commission with regard to implementation of the FGC.

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** This bill makes changes to the FGC as recommended by CLRC. This bill resolves inconsistencies, eliminates redundancies, and removes unused and outdated code sections in the FGC. These changes are all based on recommendations from the CLRC and the input of both the Fish and Game Commission and DFW except for a single addition added by the Assembly Water, Parks, and Wildlife Committee. The committee added a non-substantive amendment to Section 3953 to remove an unintended occurrence of “wild pigs.”

This bill amends 213 sections, amends and renumbers two sections, adds two sections, and repeals eight sections and one article. This bill also contains a subordination clause to prevent these changes from interfering with other legislation in the FGC enacted during the 2023 calendar year.

- 2) **Background.** In 2010, the Legislature directed the Secretary of the Natural Resources Agency 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 report¹ recommended, among other things, that CLRC be tasked with cleaning up the FGC. In 2012, CLRC was directed by the Legislature to recommend technical improvements to the FGC, without making any significant substantive change to the law’s effect [ACR 98 (Wagner)].

In 2015, the Legislature passed and the Governor signed AB 1527 (Assembly Water, Parks, and Wildlife Committee), which contained the first set of recommendations. In 2016, the Legislature passed and the Governor signed SB 1473 (Senate Natural Resources and Water Committee). This bill is the final omnibus FGC revision.

CLRC process. As noted above, CLRC was directed by the Legislature to recommend these technical improvements to the FGC. In the process of preparing the revisions, CLRC identified technical problems of the type described above and drafted language to cure them. The last step in the evaluation process was the CLRC’s provisional approval of the proposed revision in the form of an amendment of an existing code section. Once CLRC staff confirmed the absence of objection to implementation, the amendment was added to a cumulative draft of proposed legislation.

The final draft was compiled based on a multi-step evaluation, extensive public comment, and substantial input of both the Fish and Game Commission and DFW. Since the initiation of the study, CLRC has spent numerous hours, conducted 48 meetings to address these revisions, and develop its final recommendation that the CLRC approved on February 16, 2023, which this bill would enact.²

- 3) **Related legislation.** ACR 98 (Wagner), Resolution Chapter 108 of 2012, authorized CLRC to conduct a study to determine "Whether the FGC and related statutory law should be revised to improve its organization, clarify its meaning, resolve inconsistencies, eliminate unnecessary or obsolete provisions, standardize terminology, clarify program authority and funding sources, and make other minor improvements, without making any significant substantive change to the effect of the law."

AB 1527 (Assembly Water, Parks, and Wildlife Committee), Chapter 154, Statutes of 2015, enacted the first set of updates to the FGC recommended by CLRC. AB 1527 makes numerous technical, non-substantive changes to the FGC to improve organization and clarity, removes obsolete or redundant material, and makes other technical clarifications and corrections.

SB 1473 (Senate Natural Resources and Water Committee), Chapter 546, Statutes of 2016, enacted the second set of updates to the FGC, which made procedural and technical changes

¹ [California Fish & Wildlife Strategic Vision - Strategic Vision](#)

² CLRC, Fish and Game Law, Study R-100

to update the FGC, including conforming certain regulatory processes of the Fish and Game Commission to the State Administrative Procedures Act, and deleting obsolete provisions.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None one file

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