

AMENDED IN ASSEMBLY MAY 15, 1995

AMENDED IN ASSEMBLY MAY 10, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 347**

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**Introduced by Assembly Member Woods**

February 9, 1995

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An act to amend Sections 6401 and 7145 of the Fish and Game Code, relating to sportfishing.

LEGISLATIVE COUNSEL'S DIGEST

AB 347, as amended, Woods. Sportfishing: licenses.

With specified exceptions, existing law requires every person over 16 years of age who takes any fish, reptile, or amphibian for any purpose other than profit to have a license in possession when engaged in fishing. Existing law also authorizes a person to purchase or receive live fish from any registered aquaculturist and to stock the fish in a stream or a lake pursuant to regulations adopted by the Fish and Game Commission and under a permit from the Department of Fish and Game.

This bill would exempt from that licensing requirement the taking of fish by an owner of real property from a lake or pond that is wholly enclosed by that person's property. The bill would also exempt an owner stocking a lake or pond wholly enclosed by that person's property, as described, from the requirement that the person obtain a permit from the

department and would prohibit the regulations from requiring such a permit.

The bill would prohibit the removal of live fish from property enclosing a lake or pond stocked under that exemption, except as specified. *Because other provisions of existing law would make a violation of the prohibition a crime, the bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6401 of the Fish and Game Code  
2 is amended to read:

3 6401. (a) Except as provided in subdivision (b) or  
4 (c), any person may, under the terms of a permit first  
5 obtained from the department, under regulations the  
6 commission may prescribe, purchase or receive live fish  
7 from any registered aquaculturist, and may stock the fish  
8 in a stream or a lake.

9 (b) The owner of real property may purchase or  
10 receive live fish from any registered aquaculturist and  
11 stock the fish in a lake or pond that is wholly enclosed by  
12 that person’s real property. The commission may adopt  
13 regulations to implement this section. Notwithstanding  
14 Section 219, those regulations shall not require that this  
15 person obtain a permit from the department.

16 (c) A lake or pond that is wholly enclosed for purposes  
17 of this section shall meet both of the following conditions:

18 (1) The lake or pond shall be located offstream and  
19 shall not be hydrologically connected to any permanent  
20 or intermittent waterway of the state or by flood or  
21 drainage waters.



1 (2) In the opinion of the department, there is no risk  
2 of migration or transfer of aquatic species, prohibited  
3 species, or other exotic species that pose a threat to, or  
4 degrade, California native, sport, or commercial fisheries.

5 (d) No live fish may be removed from the property  
6 surrounding a lake or pond stocked pursuant to  
7 subdivisions (b) and (c) except under the terms of a  
8 permit first obtained from the department as required by  
9 subdivision (a).

10 SEC. 2. Section 7145 of the Fish and Game Code is  
11 amended to read:

12 7145. (a) Except as otherwise provided in this article,  
13 every person over the age of 16 years who takes any fish,  
14 reptile, or amphibia for any purpose other than profit  
15 shall first obtain a license for that purpose and shall have  
16 that license on his or her person or in his or her immediate  
17 possession or where otherwise specifically required by  
18 law to be kept when engaged in carrying out any activity  
19 authorized by the license. In the case of a person diving  
20 from a boat, the license may be kept in the boat, or in the  
21 case of a person diving from the shore, the license may be  
22 kept within 500 yards on the shore.

23 (b) This section does not apply to an owner of real  
24 property who takes fish for purposes other than profit  
25 from a lake or pond that is wholly enclosed by that  
26 person's real property.

27 *SEC. 3. No reimbursement is required by this act*  
28 *pursuant to Section 6 of Article XIII B of the California*  
29 *Constitution because the only costs that may be incurred*  
30 *by a local agency or school district will be incurred*  
31 *because this act creates a new crime or infraction,*  
32 *eliminates a crime or infraction, or changes the penalty*  
33 *for a crime or infraction, within the meaning of Section*  
34 *17556 of the Government Code, or changes the definition*  
35 *of a crime within the meaning of Section 6 of Article*  
36 *XIII B of the California Constitution.*

37 *Notwithstanding Section 17580 of the Government*  
38 *Code, unless otherwise specified, the provisions of this act*



1 *shall become operative on the same date that the act*  
2 *takes effect pursuant to the California Constitution.*

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