



GAINES & ASSOCIATES
GOVERNMENT RELATIONS

“GAINES REPORT”

CALIFORNIA STATE LEGISLATURE
2020 SESSION UPDATE

MAY 20, 2020

As we approach the end of May 2020, both the California State Assembly and Senate are back in Session and fully up-to-speed – albeit with many changes in procedure to address COVID-19 precautions.

With a month and a half unscheduled hiatus having carved considerable time out of their traditional legislative calendar – and a challenging 2020/2021 State budget still yet to be hammered out – the Legislature must stay focused on considering only those bills of critical importance to California. As such, Legislators have been asked to prioritize their bills and pull from consideration any bill that is not critical.

With the first round of hearings on the Assembly side now in the books, and hearings in the Senate now ramping up, the dust has cleared on what bills made the cut to be heard – with several bills of concern to conservation interests still in play. This *Gaines & Associates “Gaines Report”* will provide you with the latest status of all bills of interest. Any new action taken on a bill since the most recent *Gaines Report* is depicted in italics. Note that legislation that has been pulled from consideration by the author is listed below for the last time. In the interest of brevity, those bills that have been pulled from consideration this Session will be removed from our next *Gaines Report*.

Bills are placed in numerical order, not in order of priority or interest.

This Gaines & Associates “Gaines Report” is client privileged and provided as a service to Gaines & Associates clients.

For more information on any of the below bills, please contact Gaines & Associates at info@gainesandassociates.net

2020 State Legislative Session

AB 1387 (Wood) – Sport Fishing: 12 Consecutive Month Licenses

As amended May 20, 2019, AB 1387 – legislation by Assembly Member [Jim Wood](#) (D/02-Eureka) – is a “two-year” bill which would, as currently written, offer California residents a traditional calendar year fishing license, require DFW to offer a license that is valid for 12 consecutive months beginning on the

date of purchase upon payment of a fee that is equal to 130% of the cost of the traditional calendar-year sport fishing license. AB 1387 would also require the Department of Fish and Wildlife (DFW) to provide applicants for these licenses the option of signing up for automatic renewal of the license by electronic payment and would set the fee for licenses issued upon automatic renewal at the same price as a calendar-year sport fishing license.

AB 1387 will soon be amended to include new language which will support our collective hunter and angler Recruitment, Retention and Reactivation (R3) effort. Throughout 2019, the Department of Fish and Wildlife (DFW), other government agencies, numerous non-governmental organizations, clubs, media, industry and others have been working to develop a multi-component R3 strategy to promote a stronger future for hunting, fishing and the shooting sports in California and beyond. In late February 2020, DFW released the results of this extensive effort in California's "Statewide R3 Implementation Strategy". Components of this strategy that require a change in Fish and Game Code to implement will be addressed in AB 1387, when amended. To review the DFW report, click [R3 Statewide Strategy](#)

AB 1387 passed through the Assembly, off the Assembly Floor via unanimous vote and over to the Senate in May 2019.

Now on the Senate side, AB 1387 has been referred to the Senate Natural Resources and Water Committee but has not yet been set to be heard. AB 1387 has until August 7, 2020 to meet legislative deadline for being heard and passed out of Senate policy committee.

To view the coalition letter in support of AB 1387, click [AB 1387 Coalition Support Ltr](#)

To view all the available Committee analyses of AB 1387, click [AB 1387 Analyses](#)

To view all the information currently available on AB 1387, click [AB 1387 Detail](#)

[AB 2106 \(Aguiar-Curry\)](#) –Nesting Bird Habitat Incentive Program: Upland Game Bird Stamp/State Duck Stamp

Legislation passed in 2018 required DFW to establish the "Nesting Bird Habitat Incentive Program" and authorized DFW to make payments or provide other incentives to encourage landowners to voluntarily cultivate or retain upland cover crops or other upland vegetation on their idled lands to provide habitat and nesting cover for waterfowl, upland game birds, and other species.

As amended May 4, 2020, AB 2106 by Assembly Member [Cecilia M. Aguiar-Curry](#) (D/4-Davis) would help generate the funding necessary to implement the Nesting Bird Habitat Incentive Program by raising the California upland game bird stamp and the state duck stamp by \$5 each. AB 2106 would also create the Nesting Bird Habitat Incentive Subaccount within the California Waterfowl Habitat Preservation Account and require the incremental revenue to be deposited in that Subaccount and available upon appropriation to DFW for the Nesting Bird Habitat Incentive Program.

AB 2106 was heard in the Assembly Water, Parks and Wildlife Committee on Thursday, May 14th, passing out on a 14-0 bipartisan vote. Gaines and Associates was pleased to partner with the bill's sponsor, California Waterfowl Association, in providing lead testimony on the bill in committee.

AB 2106 will now head to the Assembly Appropriations Committee where it must be heard and passed to the Assembly Floor by Friday, June 5th, to meet legislative deadline. AB 2106 has not yet been set for hearing in Assembly Appropriations Committee.

To view the Assembly Water, Parks and Wildlife Committee analysis of AB 2106, click [AB 2106 Analysis](#)

To view the wildlife conservation coalition letter in support of AB 2106, click [AB 2106 Coalition Ltr - SUPPORT](#)

To view all the information currently available on AB 2106, click [AB 2106 Detail](#)

[AB 2299 \(Gallagher\)](#) – Free Hunting Days

AB 2299 by Assembly Member [James Gallagher](#) (R/3-Yuba City) would require the Director of DFW to designate two days per year as “Free Hunting Days” – with one free hunting day in the fall hunting season and the other day during the spring hunting season. The bill would require the individual taking advantage of the free hunting day to be accompanied by a licensed hunter who has held a valid hunting license for at least the last three consecutive years. AB 2299 would also require the individual who is accompanying the unlicensed hunter to be 21 years of age or older and allow them to only accompany one unlicensed hunter at a time. Further, the bill would require the unlicensed hunter to have successfully completed the Hunter Safety Course and to have their hunter safety course certificate in their possession while in the field, along with any required tags or report cards, federal entitlements, or entry permits. AB 2299 would not allow unlicensed hunters participating in free hunting days to take any game species that requires a draw or lottery to obtain a tag.

AB 2299 has been pulled from consideration by the author.

To view the wildlife conservation coalition letter in support of AB 2299, click [AB 2299 Coalition Ltr - SUPPORT](#)

To view all the information currently available on AB 2299, click [AB 2299 Detail](#)

[AB 2429 \(Irwin\)](#) – Hunting and Fishing Guides

Current law requires a person who engages in the business of guiding or packing, or who acts as a guide for any consideration or compensation, to first obtain a guide license from DFW. Existing law requires an application for a guide license to contain specified information and requires the applicant to submit proof of having obtained a surety bond in the amount of not less than \$1,000.

AB 2429 by Assembly Member [Jacqui Irwin](#) (D/44-Camarillo) would increase the amount of the surety bond to \$2,500 and would require applicants to, among many other things, submit proof of: a CPR certification that is valid for the term of the license; commercial liability insurance coverage that is valid for the term of the license in the amount of no less than \$1,000,000; and proof of a Department of Justice criminal background check taken within five years from the date of the application.

In addition, in order to aid game wardens in enforcement, AB 2429 would require the Fish and Game Commission to adopt a visual system of guide identification stickers using colors and geometric patterns, and require guides to use the guide identification sticker when providing guiding or packing services to a client.

AB 2429 has been pulled from consideration by the author.

To view all the information currently available on AB 2429, click [AB 2429 Detail](#)

[AB 2502 \(Quirk\)](#) – Groundwater Sustainability Plans: Impacts on Managed Wetlands

Existing law, the Sustainable Groundwater Management Act (SGMA), requires groundwater basins designated as high or medium priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans as of January 31, 2020. In addition, SGMA requires other groundwater basins designated as high or medium priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022. Among other things, SGMA requires that groundwater sustainability plans include additional analyses or components, such as control of saline water intrusion, wellhead protection areas and recharge areas, a well abandonment and well destruction program, well construction policies, and impacts on groundwater dependent ecosystems.

As a result of the significant changes to California’s natural hydrology, nearly all our remaining interior wetlands must now be artificially irrigated and intensely managed, year-round, to recreate seasonal wetland values. The availability of a wetland water supply when, where and in the quantity necessary is integral to the ability of public and private land managers to recreate these important habitat benefits. Oftentimes, the availability of groundwater is essential to the landowner’s ability to create these wetland habitat values. As such, SGMA generated restrictions placed on the use of groundwater for wetland irrigations in some areas – such as the Tulare Basin in the southern San Joaquin Valley – could have severe impacts on the ability of landowners to manage their lands to provide wetland benefits.

To address this serious concern, as introduced, AB 2502 by Assembly Member [Bill Quirk](#) (D/20-Hayward) would add impacts on managed wetlands that would lead to a net loss of wetland acreage or habitat to the additional analyses or components that groundwater sustainability plans are required to contain.

AB 2502 has been pulled from consideration by the author.

To view the wildlife conservation coalition letter in support of AB 2502, click [AB 2502 Coalition Ltr - SUPPORT](#)

To view all the information currently available on AB 2502, click [AB 2502 Detail](#)

[AB 2523 \(Gray\)](#) – Fish and Game Commission: Youth Hunting Program: Special Hunting Permits

As amended May 6, 2020, AB 2523 by Assembly Member [Adam C. Gray](#) (D/21-Merced) would require the California Fish and Game Commission to establish a program to increase opportunities to hunt big game, upland game birds and migratory game birds for youth under the age of 18 with terminal illnesses or who lost a parent in service to the state or country. AB 2523 defines “in service to the state or country” as a person who died while actively serving in the Armed Forces or in local, state, or federal law enforcement or fire service. The legislation defines “terminal illness” as an incurable or irreversible condition with a corresponding life expectancy that does not exceed 60 months.

The bill would require the Commission to report any findings to the Legislature and the Governor on or before January 1, 2022, on the progress of the program.

AB 2523 was heard in the Assembly Water, Parks and Wildlife Committee on Thursday, May 14th, passing out on consent. AB 2523 will next be heard in the Assembly Appropriations Committee where it must be

heard and passed to the Assembly Floor by Friday, June 5th, to meet legislative deadline. AB 2523 has not yet been set for hearing in Assembly Appropriations Committee.

To view the Assembly Water, Parks and Wildlife Committee analysis of AB 2523, click [AB 2523 Analysis](#)

To view all the information currently available on AB 2523, click [AB 2523 Detail](#)

AB 2691 (Bauer-Kahan) – Dog Training Services and Facilities: Requirements

Existing law establishes procedures for the care and maintenance of pets boarded at a pet boarding facility including, but not limited to, sanitation, provision of enrichment for the pet, health of the pet and safety. As introduced, AB 2691 by Assembly Member [Rebecca Bauer-Kahan](#) (D/16-San Ramon) would establish similar strict requirements for dog trainers, dog training facilities, and dog training facility operators.

Coined the “Dog Trainer Sufficiency Act”, AB 2691 would, among many other things, require a dog trainer to disclose written information to a purchaser of training services; require a trainer to maintain a written record on the health, status, and disposition of each dog trained for at least one year after completion of training; and place strict standards on enclosures used, their maintenance and the care of the dogs.

AB 2691 would make a violation of these provisions an infraction, punishable by a fine not to exceed \$250 for the first violation and by a fine not to exceed \$1,000 for each subsequent violation. The bill would, however, make a violation of the same provision within 5 years an infraction on the 2nd violation, and a misdemeanor on the 3rd or subsequent violation. AB 2651 would also provide that a dog training facility operator that causes or allows harm to a dog, or who allows a dog to be subject to an unreasonable risk of harm is guilty of a misdemeanor.

AB 2691 has been pulled from consideration by the author.

To view all the information currently available on AB 2691, click [AB 2691 Detail](#)

AB 3022 (Obernolte) – Junior Hunting Licenses: Age Eligibility

Legislation passed in 2014 increased junior hunting license age eligibility from 15 to 17 years of age. However, that bill included a “sunset” provision which requires the age eligibility to revert to 15 years on July 1, 2020 – the beginning of the upcoming 2020/2021 hunting license year – unless the provision is extended by subsequent legislation.

As introduced, AB 3022 by Assembly Member [Jay Obernolte](#) (R/33-Hesperia) proposes to extend the “sunset” for one year to July 1, 2021. To have the bill take effect before the 2020/2021 license year begins on July 1, 2020, AB 3022 also includes an urgency statute which states the bill will take effect immediately upon enactment.

Introduced in mid-February 2020 and sponsored by *California Waterfowl Association* and *Gaines & Associates*, the original strategy was to rapidly push AB 3022 through the legislative process, have it approved prior to July 1, 2020, and have it in place for the upcoming 2020/2021 license year. With this one-year extension in place, we would have the additional time necessary to introduce and pass subsequent legislation which would extend the junior hunting license eligibility of 17 years of age indefinitely.

However, when COVID-19 forced the Legislature a 6+ week unscheduled recess, we lost any opportunity to pass the bill quickly enough to seamlessly extend the junior hunting license age eligibility of 17 years of age into the 2020/2021 license year. Further, with the 2020 big game drawing deadline scheduled for June 2nd, new hunting licenses were placed on sale last month with DFW making the determination that they will not sell a 2020/2021 junior license to anyone over 15 years of age.

Given all the above, we know that AB 3022, as currently written, no longer can address its original intent. AB 3022 must be amended in the near future to address the junior hunting license age eligibility of 17 years of age beyond the 2020/2021 license year. What those amendments look like and when they are put into the bill, is still under consideration.

AB 3022 was heard in the Assembly Water, Parks and Wildlife Committee on Thursday, May 14th, passing out on consent. AB 3022 will next be heard in the Assembly Appropriations Committee where it must be heard and passed to the Assembly Floor by Friday, June 5th, to meet legislative deadline. AB 3022 has not yet been set for hearing in Assembly Appropriations Committee.

To view the Assembly Water, Parks and Wildlife Committee analysis of AB 3022, click [AB 3022 Analysis](#)

To view the coalition letter in support of AB 3022, click [AB 3022 Coalition Support Ltr](#)

To view all the information currently available on AB 3022, click [AB 3022 Detail](#)

AB 3058 (Chu) – Firearms: Vehicle Storage

Current law requires that a handgun in an unattended vehicle be either locked in the vehicle's trunk, in a locked container out of plain view, locked in a container that is permanently affixed to the vehicle's interior and not in plain view, or locked in a toolbox or utility box.

As introduced, AB 3058 by Assembly Member [Kansen Chu](#) (D/25-Milpitas) would make those requirements also applicable to long guns and would have required them to be secured to the vehicle's frame using a steel cable lock or chain and padlock, or in a locked container that is secured using a steel cable lock or chain and padlock or that is permanently affixed to the vehicle.

AB 3058 would create significant problems for many law-abiding hunters who are on their way to the field or range with their shotguns or rifles. Among other concerns, the bill's requirement that long guns be in a locked container and in some way chained to the vehicle frame would make it exceedingly difficult for law-abiding hunters to comply. Further, while it would be extremely difficult for an individual hunter transporting a single shotgun or rifle to address the provisions of AB 3058, it would be nearly impossible for hunters "car-pooling" to the field with multiple long-guns, or Hunter Education Instructors, shooting coaches and others who must transport numerous long-guns for use by their students in their vehicle to comply.

In late January 2020, AB 688 – similar legislation introduced during the 2019 Session by Assembly Member Kansen Chu – failed to pass out of Assembly Appropriations Committee by legislative deadline and died. Without delay, Assembly Member Chu introduced AB 3058. However, recognizing that the expense associated with outfitting enforcement vehicles to meet the requirements of his AB 688 played a major role in the bill's demise in Assembly fiscal committee, AB 3058 would exempt a peace officer who is on duty or on call from these requirements.

AB 3058 has been pulled from consideration.

To view all the information currently available on AB 3058, click [AB 3058 Detail](#)

[AB 3071 \(Mullin\)](#) – Lead Ammunition: Shooting Ranges

AB 3071 by Assembly Member [Kevin Mullin](#) (D/22-San Mateo) would have prohibited the use of lead ammunition at a sport shooting range or an indoor shooting range and prohibit those ranges from selling or giving away ammunition unless that ammunition is certified as nonlead ammunition.

AB 3071 has been pulled from consideration by the author.

To view all the information currently available on AB 3071, click [AB 3071 Detail](#)

[SB 914 \(Portantino\)](#) – Firearms: Hunting Exemptions

Existing law prohibits the sale or transfer of a firearm by a licensed firearm dealer to a person under 21 years of age, but exempts from those provisions the sale or transfer of a firearm – other than a handgun or semiautomatic centerfire rifle – to a person 18 years of age or older who possesses a valid, unexpired hunting license.

As amended May 11, 2020, SB 914 by Senator [Anthony J. Portantino](#) (D/25-Glendale) would require that, for the sale or transfer of a firearm to a person under 21 years of age, the salesperson must visually inspect the hunting license to confirm that it is valid and unexpired, and record the license number, GO ID, and dates valid. The bill would also require the Department of Justice to verify the validity of the purchaser’s hunting license with DFW as part of the background check.

As most know, as of July 1, 2019, the law requires that DOJ shall electronically approve the purchase or transfer of ammunition through a vendor. However, existing law also limits the fee charged for DOJ approval of an ammunition purchase to \$1.00, with that fee only allowed to be increased at a rate not to exceed any increase in the California Consumer Price Index. As amended, SB 914 would also remove the \$1.00 fee limitation – effectively allowing the fee charged for approval of ammunition transaction to substantially increase.

SB 914 was heard in Senate Public Safety Committee earlier today, May 20th, passing out on a party-line vote. SB 914 will next be heard in the Senate Appropriations Committee where it must be heard and passed to the Senate Floor by Friday, June 19th, to meet legislative deadline. SB 914 has not yet been set for hearing in Senate Appropriations Committee.

To view the Senate Public Safety Committee analysis of SB 914, click [SB 914 Analysis](#)

A coalition letter in opposition to SB 914, as amended, is in process.

To view all the information currently available on SB 914, click [SB 914 Detail](#)

[SB 1041 \(Hueso\)](#) – Hunting: Use of Dogs to Hunt Deer

SB 1041 by Senator [Ben Hueso](#) (D/40-El Centro) would prohibit the use of any dog for the purpose of hunting deer at any time. The bill would also authorize DFW to capture or dispatch any dog that is being used to hunt deer and that is inflicting injury or immediately threatening to inflict injury to any deer.

SB 1041 has been pulled from consideration by the author.

To view the wildlife conservation coalition letter in strong opposition to SB 1041, click [SB 1041 Coalition Ltr - OPPOSE](#)

To view all the information currently available on SB 1041, click [SB 1041 Detail](#)

[SB 1080 \(Jones\)](#) – Fishing: Inspection of Fish

Currently, it is illegal to possess on any boat or to bring ashore any fish upon which a size or weight limit is in a condition that its size or weight cannot be determined.

As introduced, SB 1080 by Senator [Brian W. Jones](#) (R/38-Escondido) would authorize a person to bring ashore a fish taken in a lake, the Sacramento-San Joaquin Delta, or other inland waters pursuant to a sport fishing license in a condition that its size or weight cannot be determined if the fish is cleaned or otherwise cut at the end of a fishing trip on a boat that is temporarily attached to a dock or other permanent structure.

SB 1080 has been pulled from consideration.

To view all the information currently available on SB 1080, click [SB 1080 Detail](#)

[SB 1175 \(Stern\)](#) – “Iconic African Species Protection Act”/Live Animal Markets

As amended May 13, 2020, SB 1175 by Senator [Henry I. Stern](#) (D/27-Calabasas) would enact the “Iconic African Species Protection Act” and would prohibit the possession of any part, product, or the dead body of African elephant, African lion, leopard, black rhinoceros, white rhinoceros, giraffe, Jentink’s duiker, plains zebra, mountain zebra, hippopotamus, and striped hyena. Among other things, SB 1175 would exempt articles possessed for noncommercial purposes that the owner can demonstrate were in their possession within California before January 1, 2021.

As recently amended, SB 1175 would also ban importation of a wild animal species into the state when the evidence suggests zoonotic transmission from the species, or a closely related species, could be responsible for a novel, readily transmissible human disease. As amended, SB 1175 would also ban live animal markets.

SB 1487, introduced by Senator Stern during the 2018 Session, proposed the exact same prohibition on possession of the same list of African species. SB 1487, which did not dive into banning live animal markets or importation of animals which may carry readily transmissible human disease, made it to the Governor Brown’s desk but was vetoed. In his veto message, Governor Brown stated:

“This bill establishes the Iconic African Species Protection Act, prohibiting the possession of dead specimens of several African animal species within California. SB 1487 imposes a state civil penalty for activities expressly authorized by the U.S. Endangered Species Act. Even though I share the sentiments of the author, this bill, if enacted, would be unenforceable.”

SB 1175 is set to be heard in Senate Natural Resources and Water Committee on May 26th. That hearing will begin at 1:30 with SB 1175 first up as a “Special Order of Business”. The hearing will be livestreamed on the [Senate website](#)

Due to COVID-19 precautions, public will be allowed to testify remotely. To call in during the public comment period on SB 1175, call the phone number the committee will post on the [committee website](#) closer to the hearing date.

The Senate Natural Resources and Water Committee analysis of SB 1175 is not yet available.

To view the wildlife conservation coalition letter in strong opposition to SB 1175, click [SB 1175 Coalition Ltr - OPPOSE](#)

To view all the information currently available on SB 1175, click [SB 1175 Detail](#)

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