



GAINES & ASSOCIATES
GOVERNMENT RELATIONS

“GAINES REPORT”

CALIFORNIA STATE LEGISLATURE
2020 SESSION UPDATE

AUGUST 20, 2020

There is never a dull moment when the California State Legislature is open for business. But, with less than two weeks left in the 2020 Session and the deadline for fiscal bills to pass out of fiscal committee looming, today was especially action packed.

This *Gaines & Associates “Gaines Report”* will provide you with the absolute latest status of all bills of interest. Note that, in the interest of brevity, legislation that was noted as having been pulled from consideration due to the shortened legislative calendar in our last *Gaines Report* is not listed below.

Bills are placed in numerical order, not in order of priority or interest. Any new action taken on a bill since the most recent Gaines Report is depicted in italics.

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

Legislation passed in 2018 required DFW to establish the “Nesting Bird Habitat Incentive Program” (NBHIP) 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 August 8, 2020, AB 2106 by Assembly Member [Cecilia M. Aguiar-Curry](#) (D/4-Davis) would have helped generate the funding necessary to implement the NBHIP by raising the California upland game bird stamp and the state duck stamp by \$5 each. AB 2106 would have also created the Nesting Bird Habitat Incentive Program Account within the Fish and Game Preservation Account and required the incremental revenue to be deposited in that Account and available upon appropriation to

DFW for the NBHIP. AB 2106 would have also allowed DFW to use NBHIP funds to enter into contracts with nonprofit organizations to further the Program.

AB 2106 quickly passed through the Assembly and off the Assembly Floor without a single “no” vote by mid-June. Once in the Senate, AB 2106 passed out of the Senate Natural Resources and Water Committee and to the Senate Appropriations Committee in early August via another unanimous vote. Once in Senate Appropriations Committee, AB 2106 was briefly brought up on August 17th and sent straight to the suspense file. To remain alive, AB 2106 must be pulled off suspense, heard and passed out of Senate Appropriations Committee and to the Senate Floor by the August 21st legislative deadline.

Today was the final hearing of the Senate Appropriations Committee for this Session. Although this positive legislation had not suffered a single “no” vote and could have been implemented at no cost to the state, the bill was not pulled from suspense and heard at today’s hearing of the committee. AB 2106 is dead.

To view all the available analyses of AB 2106, click [AB 2106 Analyses](#)

To view the wildlife conservation coalition letter, dated March 12, 2020, to the Assembly Water, Parks and Wildlife Committee in support of AB 2106, click [AB 2106 Coalition Ltr – AWPW Comm - SUPPORT](#)

To view the wildlife conservation coalition letter, dated June 29, 2020, to the Assembly Water, Parks and Wildlife Committee in support of AB 2106, click [AB 2106 Coalition Ltr – SNRW Comm - SUPPORT](#)

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

[AB 3030 \(Kalra\)](#) – Resource Conservation: Land and Ocean Conservation Goals – **DEAD**

As amended August 13, 2020, AB 3030 by Assembly Member [Ash Kalra](#) (D/27-San Jose) would have declared it to be goals of the state to, by the year 2030, protect at least 30% of California’s land areas and waters; to help advance the protection of 30% of the nation’s oceans; and to support regional, national, and international efforts to protect at least 30% of the world’s land areas and waters and 30% of the world’s ocean.

Although, on the surface, the goals of this legislation may have been embraced by many in the hunting and angling community, a careful read of this poorly written bill and a look at the long list of sponsors caused serious concern. Among many other things, although the bill called out goals for the total percentage of our lands and waters that should be “protected”, its language failed to identify the extent of existing protections already in place (i.e. the baseline). Even more troubling, the bill did not expressly define what the legislation meant by the word “protect”. As such, should the intent of AB 3030 been interpreted, (and thus implemented), wrongly over the next decade, the “protections” AB 3030 called for could have resulted in sweeping closures to public access to much of California’s lands and waters, and the hunting and fishing opportunities they currently do or could provide.

When AB 3030 was first introduced, to address our many concerns with the bill, *Gaines & Associates* and our partners in wildlife and fishery conservation immediately took an “oppose unless amended” position and began actively meeting with the author’s office, other legislative offices and the bill’s sponsors to seek critical amendments. Largely as a result of these efforts, recent amendments taken into AB 3030 would have also made it a goal of the state to improve access to nature and to provide for recreational and

educational opportunities for all of California’s public, including wildlife-dependent recreational activities, with a specific emphasis on increasing access for communities of color and the economically disadvantaged. In addition, in direct response to our request, language was placed in the bill which stated that protection goals called out are not intended to undermine the Fish and Game Commission’s authority to manage the fish and wildlife resources of the state.

Recent language placed in AB 3030 also cited that efforts to support and expand land, water, and ocean protections honor the rights and tribal jurisdiction of Native American tribes, and be guided and informed by partnering with tribal nations to learn and apply traditional practices to restore ecosystems.

Although our extensive efforts resulted in some positive recent changes in the bill, we still had remaining serious concerns with proposal. Among other things, these included the bill’s need to:

- Expressly define the word “protect” to ensure future interpretation of the purpose of this bill would not be to restrict access or deny legal recreational take of our fishery and/or wildlife resources, and;
- Cleanup ambiguous language that stated that existing protections were insufficient and clearly identify the type and extent of California’s land and inland waters that are already “protected”.

Working in partnership with the state and federal governments, hunters, anglers and other conservation NGOs have worked to establish and best manage a massive network of state wildlife areas, National Wildlife Refuges, National Monuments, State Parks, ecological preserves, other public “protected” lands and private lands placed under conservation easements which arguably already far exceed the 30% land area protection goal called out in the bill. In fact, the *California Protected Areas Database* estimates the total area of protected land in California to be 49,294,000 acres, or 47.05% of the state’s landmass, not including easements.

In our meetings with the bill’s author, other Legislators and the sponsors, we had pointed out the lead role hunters and anglers have historically played in California’s wildlife and fishery conservation efforts – noting that should AB 3030 have resulted in any future restrictions to hunting and fishing access and opportunity it would not only reduce the hunting and angling community’s incentive to continue to partner in those efforts, but also the significant annual revenue we generate to help manage those resources.

AB 3030 passed through the Assembly and off the Assembly Floor by early June via party-line votes. On the Senate side, AB 3030 was heard in the Senate Natural Resources and Water Committee earlier this month, passing out and to the Senate Appropriations Committee on a party-line vote. Once in Senate Appropriations Committee, AB 3030 was briefly brought up yesterday, August 19th, and sent straight to the suspense file. To remain alive, AB 3030 must be pulled off suspense, heard and passed out of Senate Appropriations Committee and to the Senate Floor by the August 21st legislative deadline.

Today was the final hearing of the Senate Appropriations Committee for this Session. Having not been pulled from suspense and heard at today’s hearing of the committee, AB 3030 is dead.

To view the available analyses of AB 3030, click [AB 3030 Analyses](#)

To view the coalition letter of “oppose unless amended” to the bill’s author, click [AB 3030 Coalition Oppose Ltr - Kalra](#)

To view the coalition letter of “oppose unless amended” to Senate Natural Resources and Water Committee, click [AB 3030 Coalition Oppose Ltr - SNRW](#)

To view all the information currently available on AB 3030, click [AB 3030 Detail](#)

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

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 introduced, SB 914 by Senator Anthony J. Portantino (D/25-Glendale) did little more than require salespersons to visually inspect and record the number, validity dates and GO ID of the hunting license of individuals under 21 years of age who desired to purchase a long gun. However, as amended May 11, 2020, SB 914 would now place numerous additional costly and needless restrictions on the purchase and transfer of firearms and firearm parts by law abiding citizens, while also threatening many youth hunting and shooting programs.

To begin, as amended, SB 914 would also require Department of Justice (DOJ) to confirm the validity of the hunting license as part of the background check for the sale of a long gun to persons under the age of 21. Further, as most know, as of July 1, 2019, the law requires that DOJ 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.

Perhaps of greatest concern are amendments taken into the bill that would require a parent or legal guardian to personally attend any shooting sports program practice or event sponsored by a school, shooting team or club; state Hunter Education Program class; special youth (apprentice) hunt held by DFW, a conservation organization or other entity; or any other camp or event where firearms are used by youth – doing substantial unreasonable harm to lawful and appropriately supervised recreational shooting and hunting programs offered to our youth, and our statewide Recruitment, Retention and Reactivation (R3) effort to promote a stronger future for hunting, fishing, and the shooting sports in California.

SB 914 passed through the Senate and off the Senate Floor via party-line votes in June. On the Assembly side, SB 914 was heard in Assembly Public Safety Committee earlier this month, passing out to Assembly Appropriations Committee via another party-line vote. Once in Assembly Appropriations Committee, SB 914 was promptly placed on suspense.

SB 914 was pulled off suspense, heard and passed out of the Assembly Appropriations Committee and to the Assembly Floor today. SB 914 must be passed off the Assembly Floor and to the Governor's desk by close of Session August 31st to remain alive.

To view the available analyses of SB 914, click [SB 914 Analyses](#)

To view the coalition letter of opposition to SB 914, click [SB 914 Coalition Oppose Ltr](#)

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

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

As amended August 5, 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.

Among other things, as 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.

SB 1487, introduced by Senator Stern during the 2018 Session, proposed nearly the exact same prohibition on possession of the same list of African species. SB 1487, which did not dive into live animal markets, made it all the way 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.”

Throughout this unprecedented Legislative Session, *Gaines & Associates* has been intensely working with our close partners in conservation to kill SB 1175. These efforts most recently include numerous telephonic meetings with the Assembly Water, Parks and Wildlife Committee and Assembly Appropriations Committee consultants, as well as the offices of Assembly Members seated on the committees.

SB 1175 passed through the Senate and off the Senate Floor in late June. Once in the Assembly, SB 1175 was heard in the Assembly Water, Parks and Wildlife Committee earlier this month, passing out and to the Assembly Appropriations Committee on a partisan vote after a lively debate – with 3 members not voting. Once in Assembly Appropriations Committee, SB 1175 was promptly placed on suspense.

SB 1175 was pulled off suspense, heard, took on some non-substantive amendments and passed out of the Assembly Appropriations Committee and to the Assembly Floor today. SB 1175 must be passed off the Assembly Floor, go back to the Senate for their concurrence of amendments taken on the Assembly side, and to the Governor’s desk by close of Session August 31st to remain alive.

To view all the analyses available for SB 1175, click [SB 1175 Analyses](#)

To view the wildlife conservation coalition letter to Senator Henry I. Stern (bill author) in strong opposition to SB 1175, click [SB 1175 Coalition Ltr - OPPOSE](#)

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

To view the Senate Floor Alert for SB 1175, click [SB 1175 – Senate Floor Alert](#)

To view the wildlife conservation coalition opposition letter to the Assembly Water, Parks and Wildlife Committee, click [SB 1175 Coalition Ltr – AWPW - OPPOSE](#)

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

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