



GAINES & ASSOCIATES

GOVERNMENT RELATIONS

SPECIAL REPORT

CALIFORNIA STATE LEGISLATURE

2017/2018 LEGISLATIVE SESSION

FINAL REPORT

OCTOBER 1, 2018

The 2017/2018 Session of the California State Legislature formally came to a close yesterday, Sunday, September 30th – the final day Governor Jerry Brown could sign or veto those bills that made it to his desk.

This *Gaines & Associates* “*California State Legislature – 2017/2018 Session Final Report*” will provide our clients with the *final status* of all legislation of concern to the conservation community considered during the 2018 Legislative Session – the final year of the two-year 2017/2018 Session.

Following next month’s general election, the California State Legislature 2019/2020 Regular Session will first convene for an Organizational Session at noon on Monday, December 3rd.

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

Gaines & Associates recognizes that our *Special Reports* can be lengthy and often provide more information on bills than many believe necessary. However, this reporting is done for the sole benefit of our clients who have varying conservation and wildlife interests and concerns. The extensive list of bills covered is to ensure that all our clients get the sufficient detail they need on the legislation that is of greatest importance to them.

This Gaines & Associates “California State Legislature – 2017/2018 Legislative Session Final 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

2018 State Legislative Session

- [AB 3 \(Bonta\)](#) – **Firearms: Age Restrictions - DEAD**

As amended March 7, 2018, AB 3 – legislation by Assembly Member Bob Bonta (D/18-Alameda) – would have prohibited the sale or transfer of any firearm by a licensed dealer to any person under 21 years of age. AB 3 would have also raised the legal age to purchase any ammunition to 21 years of age. Under existing law, a person must be 18 years of age to purchase a long gun and/or long gun ammunition and must be 21 years of age to purchase a handgun or handgun ammunition.

Prior to being gutted and amended in March, the subject of AB 3 was repeat offenders and recidivism reduction. AB 3, as previously written, had passed through the Assembly and over to the Senate last summer.

AB 3 passed out of the Senate Public Safety Committee on a party-line vote in mid-June and over to the Senate Appropriations Committee. The bill was briefly brought up in Senate Appropriations Committee in early July and promptly placed in the suspense file.

AB 3 was not pulled off the suspense file and was never heard in Senate Appropriations Committee. Failing to pass out of fiscal committee by legislative deadline, AB 3 died in mid-August.

To view Senate Appropriations Committee and other Committee analyses of AB 3, click [AB 3 Senate Analyses](#)

To view all the information available on AB 3, click [AB 3 Detail](#)

- [AB 986 \(Gallagher\)](#) – **Hunting and Sport Fishing Licenses: Sport Fishing License Duration/Reduced License Fees for Veterans - DEAD**

As amended June 13, 2018, AB 986 – legislation by Assembly Member James Gallagher (R/03-Yuba City) – would have provided California's veterans with a well-deserved reduction in the cost of their hunting and fishing licenses and offered all of California's anglers the option of a “12 months from date of purchase” fishing license.

AB 986 would have reduced the fee required to obtain an annual or lifetime hunting or fishing license by 25% for residents of California who are veterans of our Armed Forces and who have been honorably discharged. In addition, the measure would have reduced the price of a sport fishing report card, validation or other entitlement by 25% for California's honorably discharged veterans, and by 50% for those who have a 50% or greater service-connected disability.

AB 986 would have also given all Californians the option of purchasing a license valid for “12 consecutive months from date of purchase” at 130% the cost of the traditional license. The bill would have called for the “12 consecutive month sport fishing license” to be available January 1, 2020, and sunset the new license on January 1, 2023.

AB 986 would have required the Fish and Game Commission (Commission) to adjust the fees as necessary to fully recover, but not exceed, all reasonable administrative and implementation costs of the Department of Fish and Wildlife (DFW) and the Commission associated with establishing

and enforcing these licenses. The bill would have also required DFW to collect all relevant data necessary to justify the amount of the fees assessed pursuant to AB 986 and to submit a written report on the implementation of the provisions of the bill to the Legislature by December 1, 2021.

AB 986 passed off the Assembly Floor via a unanimous vote in late January and over to the Senate. Once on the Senate side, AB 986 was “double-referred” to two committees – the Senate Natural Resources and Water Committee and the Senate Committee on Veterans Affairs. The measure passed out of Senate Natural Resources and Water Committee via a unanimous vote in mid-June and Senate Committee on Veterans Affairs by another unanimous vote in late June. AB 986 was very briefly heard in Senate Appropriations Committee in early August and promptly placed in the suspense file.

AB 986 was not pulled off the suspense file and was never heard in Senate Appropriations Committee. Failing to pass out of fiscal committee by legislative deadline, AB 986 died in mid-August.

Gaines & Associates knew that passing AB 986 out of the Senate Appropriations Committee wouldn't be easy. The Committee analysis of AB 986 stated that implementation of the bill would result in a reduction in revenue to the DFW Fish and Game Preservation Fund (FGPF) of between hundreds of thousands of dollars up to a couple million. The analysis also stated that approval of AB 986 would result in unknown increased cost pressure to review applicant eligibility for licenses, one-time increased expenditures of \$661,000 for development and implementation, and \$231,000 for increased DFW program staff.

To view the available Senate Appropriations Committee and other analyses of SB 986, click [AB 986 Analyses](#)

To view all the information available on AB 986, click [AB 986 Detail](#)

To view the conservation organization coalition letter to Senate Appropriations Committee in support of AB 986, click [AB 986 Senate Approps Coalition Ltr](#)

To view the general coalition letter in support of AB 986, click [AB 986 Coalition Support Ltr](#)

To view the coalition letter to Senate Natural Resources and Water Committee in support of AB 986, click and [AB 986 SNRW Coalition Ltr](#)

- [AB 2151 \(Gray\)](#) – **Hunting: Antelope, Elk, Bear, and Bighorn Ram Tags: Resident Apprentice Tag Fees - SIGNED BY THE GOVERNOR**

As amended June 14, 2018 and signed by the Governor on September 7, 2018 – AB 2151, legislation authored by Assembly Member Adam Gray (D/21-Merced), will (beginning July 1, 2019, and until July 1, 2025) reduce the fee required to obtain an apprentice (youth) antelope, elk, bear, and bighorn sheep tag to \$20 for a person who is a resident of the state and who possesses a junior hunting license. The bill will allow the fee to be adjusted pursuant to the same index as other big game tags. AB 2151 will also require DFW to prepare a report to the Legislature no later than July 1, 2024, on the effect of these reduced-price licenses on rates of participation by junior hunters, the Big Game Management Account and the Fish and Game Preservation Fund. AB 2151 does not make any changes to the cost of an apprentice deer tag.

Current law does not distinguish between the cost of an adult or youth big game tag. For comparison purposes, the 2018 fees for the impacted youth/adult resident big game tags are as follows: antelope tag \$154.18; elk tag \$459.25; bear tag \$46.70; and bighorn sheep tag \$440.90. By providing California families a substantial cost break on the cost of many apprentice big game tags, AB 2151 will make hunting more accessible to our youth and play a big role in the recruitment of young new hunters.

AB 2151 passed out of the Assembly Water, Parks and Wildlife Committee in March, out of the Assembly Appropriations Committee in April, and off the Assembly Floor in May.

Once on the Senate side, the bill passed out of the Senate Natural Resources and Water Committee in mid-June. Although SB 2151 is keyed fiscal, the bill bypassed being heard in Senate Appropriations Committee via Senate Rule 28.8 and went straight to the Senate Floor. (Senate Rule 28.8 allows for any bill referred to the Senate Appropriations Committee that does not appropriate money to avoid hearing and, along with any nonsubstantive amendments, go straight to the Senate Floor – if the chair of the Committee determines that: (a) any additional state costs are not significant and do not/will not require the appropriation of additional state funds, and; (b) the bill will cause no significant reduction in revenues.)

AB 2151 passed off the Senate Floor in mid-August and was sent back to the Assembly for concurrence in Senate amendments. The Assembly concurred in Senate amendments on August 27th and the bill was sent to the Governor’s desk.

Governor Brown signed AB 2151 into law on September 7th. The bill’s provisions will take effect on July 1, 2019 and will “sunset” on June 30, 2025 unless extended by subsequent legislation.

On behalf of several of our clients, *Gaines & Associates* was pleased to actively support the introduction of AB 2151, help work the bill in the halls of our State Capitol and provide testimony in support in Committee hearings.

To view the available Assembly and Senate analyses of AB 2151, click [AB 2151 Analyses](#)

To view all the information available on AB 2151, click [AB 2151 Detail](#)

To view the coalition letter to Assembly Water, Parks and Wildlife Committee in support of AB 2151, click [AB 2151 Coalition AWPW Support Ltr](#)

To view the coalition letter to Senate Natural Resources and Water Committee in support of AB 2151, click [AB 2151 Coalition SNRW Support Ltr](#)

- [AB 2348 \(Aguiar-Curry\)](#) – **California Winter Rice Habitat Incentive Habitat Program - SIGNED BY THE GOVERNOR**
As amended August 24, 2018 and signed by the Governor on September 21, 2018 – AB 2348, legislation authored by Assembly Member Aguiar-Curry (D/04-Winters), will establish the “California Winter Rice Habitat Incentive Program” to encourage growers to winter-flood productive rice fields which have been deemed by DFW to be important to the conservation of waterfowl. Under this Program, DFW will enter into initial 3-year contracts which will restrict the use of the land for waterfowl conservation and habitat purposes in a manner that allows for

the use of the land for rice farming. Waterfowl hunting will not be precluded on lands enrolled in the Program. AB 2348 also creates the California Winter Rice Habitat Incentive Program Account in the Fish and Game Preservation Fund and makes funds deposited in the account available for expenditure, upon appropriation, to DFW for purposes of the program.

Prior to being amended at our request in mid-August, AB 2348 proposed to make winter-flooded rice fields eligible to compete with privately owned and managed wetlands for the very limited funding available to the “California Waterfowl Habitat Program”.

To provide some background, in response to the substantial loss of wetland habitats in California, Senator Robert Presley worked with the *California Waterfowl Association* to author and pass the California Waterfowl Habitat Preservation Act in 1987. The Act established the “California Waterfowl Habitat Program” (a.k.a. the “Presley Program”) – a multi-faceted incentive program designed to improve and enhance habitats for waterfowl, shorebirds and other wetland-dependent species on private lands. Administered by DFW, the program started in 1993 with an original enrollment of 6,500 acres in the Sacramento and San Joaquin Valleys. Since that time, enrollment has steadily grown to include habitat for wintering and breeding waterfowl in the Tulare Basin, Grasslands, Suisun Marsh and Sacramento Valley. Over the past 25 years, the Presley Program has enrolled 29,295 acres of habitat on 126 properties throughout the Central Valley.

Throughout its entire history, the Presley Program has been underfunded and oversubscribed with a lengthy list of private wetlands patiently waiting to enroll. To address this concern, throughout this period, *California Waterfowl Association* and *Gaines & Associates* have sought additional funding for the program via Bond Acts and other means and have also gone to battle many times to protect the program’s modest existing funding base.

The California Waterfowl Habitat Program was specifically created over 30 years ago to enhance the waterfowl values of our state’s privately owned and managed wetland habitats. As previously drafted, AB 2348’s proposal to authorize of winter-flooded rice lands to also have access to the limited funding available to the Presley Program would have drawn critically needed resources away from higher priority private wetland habitats and resulted in a net reduction in the Program’s waterfowl benefits.

To address this serious concern, *Gaines & Associates*, the *Suisun Resource Conservation District*, the *Tulare Basin Wetlands Association*, the *Black Brant Group*, the *Grassland Water District*, the *Cal-Ore Wetland and Waterfowl Council*, and *California Waterfowl Association* worked with the author’s office to secure amendments to the bill which instead created the separate California Winter Rice Habitat Incentive Program Account to fund the winter-flooded rice incentive program. We appreciate Assembly Member Aguiar-Curry’s willingness to work with us to amend the bill to address our concerns.

AB 2348 passed out of the Assembly Water, Parks and Wildlife Committee in April, and out of the Assembly Appropriations Committee and off the Assembly Floor in May – all by unanimous votes.

Once on the Senate side, AB 2348 first passed out of the Senate Natural Resources and Water Committee in late June, then out of the Senate Appropriations Committee and to the Senate Floor in mid-August with our amendments included – again all by unanimous votes.

AB 2348 passed off the Senate Floor via a unanimous vote in late August, was sent back to the Assembly for concurrence in Senate amendments. The Assembly concurred in Senate amendments the next day and the bill was sent to the Governor's desk.

Governor Brown signed AB 2348 into law on September 21st.

Once the critical amendments to the bill were secured and in print, *Gaines & Associates* was pleased to actively support the bill on behalf of many of our clients and help successfully navigate the proposal through the remainder of the legislative process.

To view the Assembly and Senate analyses of AB 2348, click [AB 2348 Analyses](#)

To view all the information available on AB 2348, click [AB 2348 Detail](#)

To view the coalition letter opposing AB 2348 unless amended, click [AB 2348 Coalition Oppose Ltr](#)

To view the coalition letter changing our position to support of AB 2348 (as amended 8/17/18), click [AB 2348 Coalition Support Ltr](#)

- [AB 2497 \(Cooper\)](#) – **Firearms: School Gun Violence Prevention - DEAD**
As amended April 23, 2018, AB 2497 – legislation authored by Assembly Member Jim Cooper (D/09-Elk Grove) – would have imposed a yet to be defined tax on the gross receipts of firearm and ammunition retailers, and a comparable excise tax on the purchase of firearms and ammunition. AB 2497 would have required that revenues collected from the sales of firearms be deposited in the School Gun Violence Protection Fund, which the bill proposed to create. The bill also would have required that the revenues in that fund be appropriated to the Department of Justice (DOJ) to provide grants to schools to fund the placement of police officers on high school campuses. In addition, AB 2497 would have required that revenues collected from the sales of ammunition be deposited in the School Gun Violence Prevention Fund, which the bill would have also created. The moneys in that fund would have been appropriated to DOJ to fund the placement of counselors on middle school and junior high school campuses. AB 2497, which would have also required some other changes in the schools that would have taken effect on January 1, 2019.

Implementing successful programs for addressing gun violence in the schools is something that all Californians support and would benefit from. As such, all of California should equally help to fund their implementation. However, under AB 2497, only legally licensed and permitted firearm and ammunition retailers would have been paying the tax on their gross receipts, and only those who legally purchase their guns and munitions from them charged the additional excise tax. As such, AB 2497 would have inappropriately placed the entire onus of funding the school protection programs the bill proposed on the backs of law-abiding hunters and shooters who have no more to do with firearm violence in the schools than any other law-abiding Californian.

Prior to being gutted and amended in March, AB 2497 was introduced in February with the subject being “California Agriculture Day”.

AB 2497 was “double-referred” to the Assembly Revenue and Taxation Committee and the Assembly Public Safety Committee. AB 2497 was first heard in the Assembly Revenue and Taxation Committee in April, passing out on a narrow vote. However, AB 2497 died soon

thereafter when the bill was not brought up for hearing in the Assembly Public Safety Committee before the legislative deadline for policy committees to hear and report to fiscal committee fiscal bills introduced in their house.

To view the Assembly Revenue and Taxation Committee analysis of AB 2497, click [AB 2497 Assy R&T Analysis](#)

To view the full text of AB 2497, and all the information available on the bill, click [AB 2497 Detail](#)

- [AB 2670 \(Kiley\)](#) – **Free Hunting Days - DEAD**

As amended March 15, 2018, AB 2670, legislation authored by Assembly Member Kevin Kiley (R/06-Granite Bay), would have required 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 free hunting day during the spring hunting season. The bill would have required 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 2670 would have also required 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.

AB 2670 would have required 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. The bill would have also required the unlicensed hunter to remain in close visual and verbal contact with the licensed hunter at all times so the licensed hunter can provide adequate direction and immediately assume control of a firearm from the unlicensed hunter at any time, if necessary. AB 2670 would not have allowed unlicensed hunters participating in free hunting days to take any species that requires a draw or lottery to obtain a tag. AB 2670 would have taken effect on July 1, 2019.

AB 2670 passed out of the Assembly Water, Parks and Wildlife Committee in April on a bipartisan vote. However, AB 2670 died in Assembly Appropriations Committee in late May – despite of the fact that DFW had estimated the cost of implementation at less than \$100,000 for department staff, \$15,000 in vendor fees for program changes to the Automated License Date System, and a Committee analysis which stated that the bill may even financially benefit DFW via new hunters purchasing hunting licenses, stamps and tags.

To view the Assembly Water, Parks and Wildlife Committee and Assembly Appropriations Committee analyses of AB 2670, click [AB 2670 Assy Analyses](#)

To view all the information available on AB 2670, click [AB 2670 Detail](#)

To view the coalition letter in support of AB 2670, click [AB 2670 Coalition Support Ltr](#)

- [AB 2697 \(Gallagher\)](#) – **Wildlife, Bird and Waterfowl Habitat: Idled Agricultural Lands - SIGNED BY THE GOVERNOR**

As amended August 21, 2018 and signed by the Governor on September 20, 2018 – AB 2697, legislation by Assembly Member James Gallagher (R/03-Yuba City), will require DFW to establish the “Nesting Bird Habitat Incentive Program”. The Program may include direct

payments or other incentives to encourage landowners to voluntarily cultivate or retain upland cover crops or other upland vegetation on idled lands to provide waterfowl, upland game bird, and other wildlife habitat cover for purposes – including, but not limited to, encouraging the use of idle agricultural lands for wildlife habitat. AB 2697 also authorizes DFW to develop guidelines and criteria for the program as it deems appropriate, and to consult with the Wildlife Conservation Board, the U.S. Fish and Wildlife Service, the Natural Resources Conservation Service, and nonprofit waterfowl and upland gamebird organizations before implementing the program to determine the optimal ways of increasing and enhancing wildlife habitat on idled lands. AB 2697 was sponsored by the *California Waterfowl Association*.

AB 2697 passed out of the Assembly Water, Parks and Wildlife Committee in April, then out of Assembly Appropriations and off the Assembly Floor in May on unanimous votes.

Once on the Senate side, the bill passed out of the Senate Natural Resources and Water Committee in late June, and out of Senate Appropriations Committee in mid-August – also on unanimous votes.

AB 2697 passed off the Senate Floor via another unanimous vote in late August, was sent back to the Assembly for concurrence in Senate amendments. The Assembly concurred in Senate amendments two days later and the bill was sent to the Governor's desk.

Governor Brown signed AB 2697 into law on September 20th.

On behalf of several of our clients, *Gaines & Associates* was pleased to actively support AB 2697 throughout the legislative process – including working the bill in the halls of our State Capitol, providing testimony in support of the bill in Committee hearings, and meeting with the Governor's office in September to urge his signature on the proposal.

Note that AB 2697 will be implemented only if the Water Supply and Water Quality Act of 2018 (Proposition 3) is approved by the voters at the November 6, 2018, general election or a sufficient amount of federal grants or other funds are secured for the purposes of the bill.

To view the Assembly and Senate analyses of AB 2697, click [AB 2697 Analyses](#)

To view all the information available on AB 2697, click [AB 2697 Detail](#)

To view the coalition letter to Assembly Water, Parks and Wildlife Committee in support of AB 2697, click [AB 2697 AWPW Support Ltr](#)

To view the coalition letter to Assembly Appropriations Committee in support of AB 2697, click [AB 2697 Assy Approps Support Ltr](#)

To view the coalition letter to Senate Natural Resources and Water Committee in support of AB 2697, click [AB 2697 SNRW Support Ltr](#)

To view the coalition letter to Senate Appropriations Committee in support of AB 2697, click [AB 2697 Senate Approps Support Ltr](#)

- [AB 2787 \(Quirk\)](#) – **Lead Fishing Weights and Sinkers - DEAD**

As amended July 5, 2018, AB 2787 – legislation authored by Assembly Member Bill Quirk (D/20-Hayward) – now deals with the procurement of long duration energy storage projects.

Prior to being gutted and amended on Thursday, AB 2787 dove into the issue of lead fishing weights and sinkers. Prior to taking on these most recent sweeping amendments, AB 2787 would have required DFW to review existing research and data on the impacts of lead fishing tackle on the environment, including wildlife, rivers, lakes, streams, and potential drinking water sources, and review efforts in other jurisdictions to regulate the use of lead fishing tackle. The bill would have required DFW to submit a report on the findings of the study to the Governor and the Legislature by March 1, 2020.

As originally introduced, AB 2787 would have prohibited the manufacture, sale, or purchase of fishing weights and sinkers that have no cross section greater than or equal to two centimeters in length, are under 50 grams in mass, and which contain more than 0.1% lead by weight.

AB 2787 was heard in the Assembly Committee on Environmental Safety and Toxic Materials in April, passing out of committee after agreeing to reduce the bill from a ban to a study. The bill then passed out of the Assembly Appropriations Committee, and off the Assembly Floor in late May after agreeing to take on some additional amendments which changed the study to a review.

AB 2787 died when it failed to be heard and passed out of Senate policy committee by the July legislative deadline for policy committees to meet and report bills.

To view the Assembly Committee analyses of AB 2787, click [AB 2787 Assy Analyses](#)

To view all the information available on AB 2787, as introduced, click [AB 2787 Detail](#)

- [AB 2805 \(Bigelow\)](#) – **Depredation: Wild Pigs - DEAD**

As amended August 24, 2018, AB 2805 – legislation by Assembly Member Frank Bigelow (R/05-O’Neals) – would have made major changes to the way California manages its growing wild pig populations, the damage they do to public and private lands and the habitats our native game and non-game species depend upon.

As last amended, this high-profile legislation, among many other things, would have: a) eliminated all required permits when pigs are taken by private landowners for depredation purposes; b) eliminated the need to purchase a pig tag for every pig taken, instead simply requiring the purchase of an annual validation (similar to a duck stamp) at the base cost of \$25 for residents; c) ensured that all revenues from the sale of wild pig validations were deposited in the Big Game Management Account (BGMA), and; d) removed wild pigs from the “game mammal” designation and place them under the “exotic game mammal” designation that the bill would have created.

Language inserted in the bill by *Gaines & Associates* would have increased public hunting opportunities for wild pigs by requiring DFW to work with landowners to use public sport hunters as a management tool for controlling depredating wild pigs on private lands through the application of the Shared Habitat Alliance for Recreational Enhancement (SHARE) program and other means; clarified that BGMA revenues shall only be expended to promote public hunting as a wild pig management tool and to expand public hunting opportunities; and precluded BGMA

funds from being used to develop or facilitate the killing of pigs on any scale or in any manner by property owners other than hunting by licensed sport hunters.

Contrary to some reports, AB 2805 would not have provided landowners with an enhanced ability to kill depredating pigs. Under current law, landowners can already take pigs “on sight” that are destroying their property prior to obtaining a depredation permit. AB 2805 would have only eliminated the need for landowners to obtain a depredation permit prior to the take of depredating pigs. Also, contrary to some reports, AB 2805 would not have allowed for the use of poisons, or any other “new” methods of killing pigs that are not already available to landowners under existing law.

As last amended, AB 2805 would have required DFW to prepare a management assessment of wild pigs to measure the success or failure of DFW efforts to reduce wild pig populations and the damage to habitats caused by wild pigs, and required anyone taking a wild pig to electronically report to DFW the date and location of the taking and any other information appropriate for DFW to better understand the location, abundance and rate of take of wild pigs.

This summer, opposition from some hunting and ranching interests surfaced due to a provision in the bill which, as written at that time, would have prohibited the operation of “contained hunting preserves” for wild pigs or domestic swine – areas which often provide the only hunting experience available to many of the disabled community, wounded warriors and others who may not be able to physically handle an open range hunt. The legislation defined a “contained hunting preserve” as any tract of land on which a fence or other apparatus is used to prevent the free roaming of swine that are to be hunted and not used solely for domestic swine production. The uproar over that provision of the bill resulted in the “contained hunting preserves” language being removed from the bill in the final set of amendments – igniting opposition from animal-rights interests and eventually playing a major role in the bill’s demise.

AB 2805 was heard in the Assembly Water, Parks and Wildlife Committee in April, passing out on a unanimous vote. The bill then easily moved through the Assembly Appropriations Committee and off the Assembly Floor in May.

Once on the Senate side, AB 2805 passed out of the Senate Natural Resources and Water Committee in late June, and out of Senate Appropriations Committee in mid-August – also on unanimous votes. However, in a surprising development, the committee failed to pass the bill with the agreed-to language amendments included.

With the bill on the Senate Floor, but without the desired amendments in place, Assembly Member Bigelow chose to amend the bill on the Floor – running the risk that AB 2805 would be called back to committee for the new amendments to be heard. With animal-rights groups now opposing the bill, and support from some other groups now waning, AB 2805 was pulled from the Floor and held. Failing to be heard in committee and brought back to the Floor, AB 2805 died in late August.

AB 2805 is Assembly Member Frank Bigelow’s latest effort to craft a bill which facilitates the ability of landowners to control wild pigs and the extensive damage they do to public and private lands. After a few previous attempts to pass similar legislation, Assembly Member Bigelow jumpstarted this effort roughly two years ago by reaching out to the California Fish and Game Commission with the request that they work with CDFW and interested stakeholders to draft some recommended bill language. After numerous months of effort, the suggested language was

approved by the Commission and forwarded to Assembly Member Bigelow for his consideration late last year.

For more detail on the Fish and Game Commission's efforts to work with stakeholders to draft recommended bill language, view *Gaines & Associates "California Fish and Game Commission Update/Wildlife Resources Committee/September 13, 2017 Meeting Summary – September 19, 2017"* by clicking [FGC WRC – 9 2017 Mtg Brief](#) and *Gaines & Associates "California Fish and Game Commission Update – October 9, 2017"* by clicking [FGC - 10 2017 Mtg](#)

To view the Senate Appropriations Committee analysis, and other available Assembly and Senate analyses of AB 2805, click [AB 2805 Analyses](#)

To view all the information available on AB 2805, click [AB 2805 Detail](#)

To view the coalition letter to the Assembly Water, Parks and Wildlife Committee in support of AB 2805, click [AB 2805 AWPW Support Ltr](#)

To view the coalition letter to the Assembly Appropriations Committee in support of AB 2805, click [AB 2805 Assy Approps Support Ltr](#)

To view the coalition letter to the Senate Natural Resources and Water Committee in support of AB 2805, click [AB 2805 SNRW Support Ltr](#)

- [AB 3117 \(Mathis/Dahle\)](#) – **Hunting: Nonlead Ammunition: Temporary Suspension: Criteria - DEAD**

As amended April 9, 2018, AB 3117 – legislation co-authored by Assembly Members Devon Mathis (R/26-Visalia) and Brian Dahle (R/01-Bieber) – would have ensured that hunters can stay in the field, and farmers and ranchers could have continued to protect their property and livestock, as California works to fully phase-in the requirement to use nonlead ammunition when hunting and managing wildlife statewide.

AB 3117 was sponsored by the *Rocky Mountain Elk Foundation, California Deer Association, California Chapter of the Wild Sheep Foundation* and the *California Houndsmen for Conservation* with the assistance of *Gaines & Associates*.

On July 1, 2019, California will become the only state in the Nation to require the use of nontoxic loads for the taking of any wildlife, statewide, for any purpose. In addition, California is now the only state which prohibits the direct internet/mail order of ammunition, and substantially restricts the over-the-counter/out-of-state purchase of ammunition by California residents.

With California only representing a small market share of ammunition demand nationwide, the production of non-toxic loads – even in the most common calibers – will be understandably limited by manufacturers, and likely non-existent in many others. Should the required nonlead loads be unavailable for purchase, California's ranchers and farmers will be unable to address depredation concerns, and hunters will be kept out of the field. Although the intent of the ban on lead ammunition and subsequent prohibitions on out-of-state ammo acquisition may not have been to keep law-abiding hunters out of the field or farmers and ranchers from protecting their property and livestock, the result may be just that.

As amended April 9, 2018, AB 3117 would have helped address this concern by giving the Fish and Game Commission the authority to “temporarily suspend” the prohibition on the use of lead ammunition for a specific hunting season and/or caliber, if the Commission found that nonlead ammunition of a specific caliber was not available for any reason. The bill, as amended, also would have required the Commission’s Wildlife Resources Committee to provide recommendations to the Commission on the criteria used to determine when nonlead ammunition is not available and which calibers should be considered for temporary suspension.

As amended, the bill would also have required that the WRC recommendations be submitted to the full Commission by January 1, 2020, and that the Commission adopt the criteria by July 1, 2020.

AB 3117 would have prohibited any suspension from remaining in effect for longer than three years.

AB 3117 was heard in the Assembly Water, Parks and Wildlife Committee on April 24th, failing passage on a vote of 9 “noes” and 6 “ayes”. *Gaines & Associates* was pleased to partner with the *California Deer Association* in providing lead testimony on this legislation in Committee.

Gaines & Associates knew this would be a very difficult bill to pass in California's State Legislature – especially when many of the Legislators that (only five years ago) voted to support AB 711 (the bill that put the lead ban in motion) are still seated in the Legislature.

Well aware of the need for this bill, Assembly Members Mathis and Dahle are committed to its passage, and plan to reintroduce the measure next year. In the meantime, we will continue our efforts to educate Legislators on the need for the legislation.

To view the Assembly Water, Parks and Wildlife Committee analysis of AB 3117, click [AB 3117 Assy WPW Analysis](#)

To view all the information available on AB 3117, as introduced, click [AB 3117 Detail](#)

To view the coalition letter to the Assembly Water, Parks and Wildlife Committee in support of AB 3117, click [AB 3117 Coalition AWPW Support Ltr](#)

To view the co-sponsor support letter to the Assembly Water, Parks and Wildlife Committee for AB 3117, click [AB 3117 Co-Sponsor AWPW Ltr](#)

- [AB 3199 \(Holden\)](#) – **Charitable Raffles: Firearms - DEAD**
As amended April 5, 2018, AB 3199 – legislation by Assembly Member Chris R. Holden (D/41-Pasadena) – would have repealed antiquated exemptions in state law which address the use of firearms in charitable auctions and would have instead authorized a charitable organization to conduct no more than 3 auctions, raffles, or similar events per year in which firearms, other than handguns, may be auctioned, raffled, or otherwise sold. The bill, as amended, would have also reiterated the requirement that those firearms to be transferred to the winner via a licensed dealer to process the transfer pursuant to all legal requirements, including a background check and waiting period.

As previously amended on March 20th, AB 3199 would have prohibited the use of firearms as a prize in raffles conducted by organizations for beneficial or charitable purposes. A “gut and amend”, AB 3199, as introduced on February 16th, dealt with CalWORKs sanctions.

When AB 3199, as amended March 20th, surfaced in print on March 21st, *Gaines & Associates* met that same day with Assembly Member Holden’s office to discuss our very serious concerns with the bill, the devastation impact it would have upon the fundraising efforts of nearly every conservation organization, and to explain that those that win firearms at non-profit fundraising events are subject to all of the same legal requirements – including background check and 10 day waiting period – that they would be had they purchased the same firearm from a firearm dealer. Over the following weeks, *Gaines & Associates* was pleased to partner with other organizations in numerous meetings and other efforts which helped lead to the bill being amended to be less threatening, and then eventually defeated altogether.

AB 3199 was originally slated to first be heard in the Assembly Committee on Governmental Organization. Working with the office of the Chair of that committee – Assembly Member Adam C. Gray (D/21-Merced), a Legislator who is very supportive of our conservation community – the bill was held and never set for hearing. AD 3199 died when it failed to meet the April legislative deadline for policy committees to hear and report to fiscal committee fiscal bills introduced in their house.

The Assembly Committee on Governmental Organization analysis on AB 3199 was never released.

To view all the information available on AB 3199, click [AB 3199 Detail](#)

- **[SB 518 \(Berryhill\)](#) – **Sport Fishing Licenses: 12 Consecutive Month Licenses - DEAD****
As amended June 6, 2018, SB 518 – legislation by Senator Tom Berryhill (R/08-Modesto) – would have provided the option to purchase a fishing license that is valid for a period of 12 consecutive months from date of purchase at the cost of 130% of the traditional sportfishing license fee for that year. The bill would have required the Commission to adjust the amount of the fees as necessary to recover the administrative and implementation costs to DFW and the Commission relating to the licenses. The bill would have required DFW to provide those who apply for the 12-month from date of purchase license 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 license. SB 518 would have also required DFW to collect all relevant data necessary to justify the amount of the fees, and to submit to the Legislature a written report on the implementation of these provisions on or before December 1, 2023.

SB 518 would have gone into effect on January 1, 2020, and sunset on January 1, 2025.

SB 518 was a “gut and amend” of legislation originally introduced on another topic in the 2017 Session by Senator Kevin de León (D/24-Los Angeles).

Having already passed through the Senate in 2017 in its prior form, SB 518 was substantially amended in mid-September 2017 to address the topic of a 12-month from date of purchase license. As amended, SB 518 easily made its way to the Assembly Floor in 2018 – passing out of the Assembly Water, Parks and Wildlife Committee in mid-June and out of Senate Appropriations Committee in mid-August on unanimous votes. However, with the bill now

pending a vote on the Assembly Floor, the fishing organization that sponsored the legislation surprisingly announced it was opposing the bill due to concerns which included the 130% price of 12 consecutive month license relative to the traditional calendar year license – although that language had been in the bill for quite some time. With the sponsor of SB 518 now on record as in opposition to the proposal, the bill’s author had little choice but to pull the bill from consideration – killing SB 518 in late August.

To view the Assembly Appropriations Committee and other Assembly Committee analyses of SB 518, click [SB 518 Assy Analyses](#)

To view all the information currently available on SB 518, click [SB 518 Detail](#)

- [SB 1020 \(Berryhill\)](#) – **Sport Fishing: Daily Bag Limit: Possession - DEAD**
Introduced February 7, 2018, SB 1020 – legislation by Senator Tom Berryhill (R/08-Modesto) – was a “spot bill” dealing with sport fishing daily bag and possession limits. SB 1020 was to serve as a placeholder for future legislation in the field of fish and game.

SB 1020 was never amended or set for hearing in committee. SB 1020 died when it failed to meet the April legislative deadline for policy committees to hear and report to fiscal committee fiscal bills introduced in their house.

To view all the information available on SB 1020, as introduced, click [SB 1020 Detail](#)

- [SB 1092 \(Anderson\)](#) – **Firearms: Silencers - DEAD**
As amended March 22, 2018, SB 1092 – legislation by Senator Joel Anderson (R/38-Alpine) – would have legalized ownership of suppressors on long guns in California and allowed for their use for hunting. It is currently legal for a citizen to own a suppressor in 42 states, and they are legal for hunting in 40 states.

Current California law prohibits the possession of any “silencer”. SB 1092, as amended, would have made it illegal only to possess a “silencer” that is attached to a firearm with an overall length of less than 16 inches in length. The bill would have also made it legal to hunt with a suppressor attached to a firearm with an overall length of 16 inches or more.

Also known as silencers, suppressors are the hearing protection of the 21st century sportsman and shooter. The benefits of shooters and hunters being able to use suppressors in California are extensive, and include:

a) Hearing Protection

Noise induced hearing loss and tinnitus are two of the most common afflictions for recreational shooters and hunters. Everyone knows that gunfire is loud, but very few people understand the repercussions that shooting can have on their hearing until it’s too late. Suppressors reduce the noise of a gunshot by an average of 20 – 35 dB, which is roughly the same as earplugs or earmuffs. By decreasing the overall sound signature, suppressors help to preserve the hearing of recreational shooters, hunters, and hunting dogs around the world.

b) Safer Hunting

Most hunters do not wear hearing protection in the field because they want to hear their surroundings. The trouble is, exposure to even a single unsuppressed gunshot can lead to

permanent hearing damage. Suppressors allow hunters to maintain full situational awareness, while protecting their hearing. The result is a safer hunting experience for the hunter, and for those nearby.

c) Noise Complaints

As urban development advances further into California's once rural areas, shooting ranges and hunting preserves across the state are being threatened by, or closed due to noise complaints. Although it can still be heard, suppressed gunfire helps mitigate noise complaints from those who live near shooting ranges and hunting land.

d) Accuracy

One of the most common problems for shooters is decreased accuracy caused by flinching in anticipation of the firearm's recoil. By containing the explosion of the gunpowder at the muzzle, suppressors reduce recoil, and help decrease muzzle flinch. These benefits lead to improved accuracy, better shot placement, and more humane hunts.

Finally, it is worth noting that none of the states that have recently legalized citizen ownership of suppressors and/or authorized them for hunting have experienced any increase in violent crime or poaching as a result.

With the overwhelming opposition to firearms at our State Capitol, passing any legislation that proposes to legalize any firearm component that is currently illegal in our state is nearly impossible. Legalizing the ownership and use of suppressors on long guns in California would certainly be no exception – especially due to the inaccurate perception of them created by Hollywood. Knowing that, for nearly two years, *Gaines & Associates* has worked closely with Senator Anderson's office, the *American Suppressor Association* and others to educate Legislators, enforcement agencies and other interests about the realities of suppressors – including their substantial health and other benefits, and documented proof that they do not increase violent crime and/or poaching. These efforts include continually meeting with key Capitol offices and, thus far, three live range demonstrations.

SB 1092 was sponsored by the *American Suppressor Association* with the assistance of *Gaines & Associates*.

Because it dealt with both firearms and hunting, SB 1092 was double-referred to the Senate Public Safety Committee and the Senate Natural Resources and Water Committee. The bill was heard in the Senate Public Safety Committee in April, failing passage on a 2 – 2 vote, with three members not voting. *Gaines & Associates* is committed to continuing to work with the American Suppressor Association in our effort to pass this common-sense legislation in California.

To view the Senate Public Safety Committee analysis of SB 1092, click [SB1092 Senate PS Analysis](#)

To view all the information available on SB 1092, as introduced, click [SB 1092 Detail](#)

To view the coalition letter to the Senate Public Safety Committee in support of SB 1092, click [SB 1092 Coalition SNRW Ltr](#)

- [SB 1100 \(Portantino\)](#) – **Firearms: Transfers - SIGNED BY THE GOVERNOR**
As revised August 23, 2018, and signed by the Governor on September 28, 2018 – SB 1100, legislation by Senator Anthony J. Portantino (D/25-Glendale), will raise the age to legally purchase a long gun in California from 18 to 21 years of age. *SB 1100 exempts from these provisions the purchase of a long gun by an individual 18 years or older who possesses a valid hunting license, and those who are on active duty or who have been honorably discharged from the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States.*

As amended August 23rd, SB 1100 would only become operative if SB 746 – another bill by Senator Portantino which, among other things, proposed to authorize individuals with an outstanding warrant for a felony or misdemeanor to transfer their firearms/ammunition to a licensed firearms dealer for the duration of the prohibition – was also enacted. SB 746 was approved by the Governor on September 26th.

Current law prohibits the sale or transfer of a handgun to any person below the age of 21, and the sale of a long gun to any person below the age of 18 years.

SB 1100 passed out of the Senate Public Safety Committee in April, out of Senate Appropriations Committee and off the Senate Floor in late May all by party-line votes.

Once on the Assembly side, SB 1100 passed out of the Assembly Public Safety Committee in mid-June and out of Assembly Appropriations Committee in mid-August on party-line votes.

SB 1100 passed off the Assembly Floor in late August and was sent back to the Senate for concurrence in Assembly amendments. The Senate concurred in Assembly amendments a day later and SB 1100 was on its' way to the Governor's desk.

Governor Brown signed SB 1100 into law on September 28th.

To view the language of SB 746, click [SB 746](#)

To view the Assembly Appropriations Committee and other available Senate and Assembly analyses of SB 1100, click [SB 1100 Analyses](#)

To view all the information available on SB 1100, as amended, click [SB 1100 Detail](#)

- [SB 1311 \(Berryhill\)](#) – **Fishing and Hunting: Annual Sportsman's Licenses - DEAD**
As amended June 27, 2018, SB 1311 – legislation by Senator Tom Berryhill (R/08-Modesto) – would have created an annual combined hunting and fishing license that provided the same privileges as traditional annual hunting and fishing licenses, but that was valid for a term of one year from July 1st to June 30th. SB 1311 would have limited the issuance of these licenses to California residents and required DFW to issue the licenses from January 1, 2020, to January 1, 2026 for the base fee of \$85. The bill would have required the fee to be adjusted annually pursuant to an index. The bill would have also required DFW to collect all relevant, appropriate, and sufficient data necessary to evaluate the benefit of the annual combined hunting and fishing license and to justify the amount of the fees. The bill would have required DFW to submit a report to the Legislature evaluating the annual sportsman's license on or before December 1, 2024.

SB 1311 passed out of the Senate Natural Resources and Water Committee in April, and out of Senate Appropriations Committee and off the Senate Floor in May on unanimous votes.

Once on the Assembly side, SB 1311 passed out of the Assembly Water, Parks and Wildlife Committee in June on another unanimous vote but then was held in the Assembly Appropriations Committee and never heard. Because SB 1311 failed to pass out of fiscal committee by legislative deadline, SB 1311 died in mid-August.

To view the Assembly Appropriations Committee and other available Senate and Assembly analyses of SB 1311, click [SB 1311 Senate Analyses](#)

To view all the information available on SB 1311, as introduced, click [SB 1311 Detail](#)

To view the coalition letter to the Senate Natural Resources and Water Committee in support of SB 1092, click [SB 1311 Coalition SNRW Ltr](#)

- [SB 1487 \(Stern\)](#) – **Iconic African Species Protection Act - VETOED BY THE GOVERNOR**
As amended July 2, 2018, SB 1487 – legislation by Senator Henry I. Stern (D/27-Calabasas) – would have enacted the Iconic African Species Protection Act and would have prohibited the possession of any part, product, offspring, or dead body of African elephant, African lion, leopard, black rhinoceros, white rhinoceros, giraffe, Jentink’s duiker, plains zebra, mountain zebra, hippopotamus, and/or striped hyena.

Among other things, SB 1487 would have “grandfathered” in articles possessed for noncommercial purposes in California before January 1, 2019. The bill would have also exempted articles used for educational or scientific purposes by a bona fide educational or scientific institution, or those distributed directly to a legal beneficiary of a trust or to a legal heir, provided that the article was possessed by the decedent before the enactment of SB 1487.

In the Senate, SB 1487 was double-referred to the Senate Natural Resources and Water Committee and the Senate Public Safety Committee – passing out of both committees in April on party-line votes. The bill then passed out of Senate Appropriations Committee in May on another party-line vote, despite a DFW estimate of enforcing the ban placed at \$4.5 million in 2019/20 and \$2.8 million annually thereafter. Having somehow cleared fiscal committee, SB 1487 passed off the Senate Floor in late May on yet another party-line vote.

On the Assembly side, SB 1487 was again double-referred, with the bill quickly set to be heard in both the Assembly Water, Parks and Wildlife Committee and Assembly Judiciary Committee the last week of June in an effort to move the bill out of policy committee and to fiscal committee before the June 29th legislative deadline.

In preparation for the heavy activity in the Assembly on SB 1487 in late June, *Gaines & Associates* teamed up with renowned conservation attorney *John J. Jackson III*, President of the *Conservation Force* – the most active and effective NGO working on behalf of hunters to protect and promote the important role of hunters and hunting in the conservation of wildlife in Africa. Aware of the significant negative ramifications this bill would have, Mr. Jackson planned to travel to Sacramento from his office in Louisiana to work with *Gaines & Associates* in an effort to help defeat the bill.

Regardless of our round the clock efforts at the State Capitol, numerous face-to-face meetings with all the offices of Members on the Assembly Water, Parks and Wildlife Committee, providing countless pages of documentation to educate them on the critical benefits only hunting can provide to the conservation of the "iconic" species called out in the bill and other efforts, SB 1487 easily passed out of the Assembly Water, Parks and Wildlife Committee on a party-line vote.

Following the Assembly Water, Parks and Wildlife Committee hearing, we re-tailored our arguments for the legal aspects that the Assembly Judiciary Committee would focus on two days later and traveled back into the depths of our State Capitol to meet with the necessary offices. In the meantime, with the primary argument of the proponents of the bill being that there is no need for legal hunting of these species, as ecotourism would surely fully fund these conservation efforts, deter poaching and provide necessary benefits to the local communities in place of hunting, Mr. Jackson reached out to his contacts in Africa asking them to also weigh in on the bill. In a little over 24 hours, letters had been received from the United Republic of Tanzania Wildlife Management Authority; the Zimbabwe Ministry for Environment, Water & Climate; the Republic of Namibia Ministry of Environment and Tourism; the Namibian Association of Community-Based Natural Resource Management Support Organizations; and the Republic of South Africa Department of Environmental Affairs stating their strong opposition to the bill due to the importance of hunting to the conservation of wildlife and the benefits it provides rural communities in their countries.

Despite meeting with all the offices of the Legislators who sit on the Assembly Judiciary Committee multiple times to deliver the letters from the African countries and to discuss our concerns, the bill easily passed out of Assembly Judiciary Committee and on to the Assembly Appropriations Committee.

Armed with an Assembly Appropriations Committee analysis that stated that DFW would require 12.0 PYs, \$3,028,000 in funding for year one, \$2,778,000 ongoing, another \$500,000 in litigation costs to defend the bill, and the Department of Finance also in opposition to the bill, *Gaines & Associates* and the *Conservation Force* hoped common sense would prevail and we could stop SB 1487 in Assembly Appropriations Committee. But, regardless of the bill's substantial fiscal impact to the state, SB 1485 passed out of Assembly Appropriations Committee and to the Assembly Floor in mid-August on yet another party-line vote.

In late August, with SB 1487 pending hearing on the Assembly Floor, we continued our active opposition by hitting all 80 Assembly offices daily with additional documentation as to why they should oppose the bill. Regardless of these efforts, the bill passed off the Assembly Floor the evening of the final day of Session – August 31st – and was promptly sent back to the Senate for concurrence in Assembly amendments. The Senate concurred in Assembly amendments later that same evening and the bill was sent to the Governor's desk.

With the Legislative Session complete – but the Governor having until September 30th to act on SB 1487 – *Gaines & Associates* and the *Conservation Force* kept the pressure on by securing additional letters to the Governor from impacted African countries and leading a strong local grassroots opposition effort urging his veto.

The Governor vetoed SB 1487 late in the day on September 30th – the final day he could act on the legislation. To view the Governor's veto message, click [Gov Veto Msg](#)

To view all the available Senate and Assembly analyses of SB 1487, click [SB 1487 Analyses](#)

To view all the information available on SB 1487, click [SB 1487 Detail](#)

To view the letter from the Department of Finance in opposition to SB 1487, click [SB 1487 DOF Oppose](#)

To view the letter from the Tanzania Wildlife Management Authority, click [Tanzania Ltr](#)

To view the letter from the Zimbabwe Ministry for Environment, click [Zimbabwe Ltr](#)

To view the letters from the Namibia Permanent Secretary for Ministry and Environment, click [Namibia Committee Ltr](#)
[Namibia Ltr to Gov](#)

To view the letters from the Republic of South Africa Department of Environmental Affairs, click [South Africa Committee Ltr](#)
[South Africa Ltr to Gov](#)

To view the letter from the Namibian Association of Community-Based Natural Resource Management Support Organizations, click [NASCO Ltr](#)

To view the letter from the Conservation Force to the Assembly Judiciary Committee, click [CF Assy Judic Ltr](#)

To view the letter from the Conservation Force to the Assembly Water, Parks and Wildlife Committee, click [CF AWPW Ltr](#)

To view the letter our coalition letter to the Assembly Water, Parks and Wildlife Committee, click [SB 1487 AWPW Coalition Ltr](#)

To view the letter from the Conservation Force to the Assembly Judiciary Committee, click [SB 1487 Assy Judic Coalition Ltr](#)

To view the letter from the Conservation Force to the Governor, click [SB 1487 CF Ltr to Gov](#)

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