



**GAINES & ASSOCIATES**  
**GOVERNMENT RELATIONS**

***“GAINES REPORT”***

**CALIFORNIA STATE LEGISLATURE**  
***2020 SESSION UPDATE***

**ASSEMBLY BACK TO WORK – SENATE NEXT**

**MAY 4, 2020**

Following several weeks of unscheduled shut-down due to COVID-19, the California State Assembly went back into Session today, with the State Senate slated to return to the Capitol next Monday, May 11<sup>th</sup>.

Prior to the Legislature’s unscheduled adjournment in mid-March, the deadline for fiscal bills to face their first policy committee hearing *was* April 24<sup>th</sup>. With the Assembly now back in Session and the Senate close behind, that deadline has been waived. But given the limited legislative calendar left to operate – and the State 2020/2021 budget still yet to be hammered out – the Legislature must stay focused on considering only those bills they consider of the utmost importance to California’s public. Knowing this, Legislators have been asked to prioritize their bills and pull from consideration any bill that is not critical.

With hearings taking place soon, the dust may be starting to clear on what bills *will* be heard, but *how* they will be heard is still very much to be determined. After reviewing constitutional requirements, Senate and Assembly leadership have reportedly reached different conclusions as to how hearings must be held. While Senate leadership is leaning towards voting to be held via a mix of in-person and remote means, Assembly leadership believes any laws passed via remote votes may be open to legal challenge. However, regardless of how careful the Assembly may be to strictly adhere to the Constitution with in-person hearings, their efforts may be rendered moot should the Senate vote remotely – as bills must be approved by both houses to make it to the Governor’s desk.

The requirement on the Assembly side that Legislators vote “in-person” also has some Assembly Members concerned. With some Assembly hearings resuming this week, it will be interesting to see who shows up and who does not. To reduce concerns and minimize risk to both Members and the public, many Assembly hearings will not be held in their traditional hearing rooms, but rather in the much larger Assembly Chambers to allow “social distancing”. Although the Capitol will be open, attendance by the public at these hearings is being highly discouraged. Interested parties are being strongly urged to watch hearings via a live stream on the [Assembly’s website](#), with public that would like to testify being able to do so via a web portal or telephonically. Those who do show up in person will be greeted by nurses and sergeants asking about their health and offering temperature checks. Information regarding a call-in option for testimony will be made available on committee websites closer to the hearing date.

*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](mailto: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, 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 June 26, 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](#)

The 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 the Department of Fish & Wildlife (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 is set to be heard in the Assembly Water, Parks and Wildlife Committee on Thursday, May 14<sup>th</sup>. That hearing will be held in State Capitol Assembly Chambers, beginning at 10:00 a.m. The hearing will be open for public attendance but, due to guidance on physical distancing, seating for the hearing will be extremely limited. The committee is encouraging public to watch the hearing from its live stream on the [Assembly website](#) and to offer testimony remotely via the web portal or telephonically. Information regarding call-in options for testimony will be made available on the [Assembly Water, Parks and Wildlife Committee website](#) closer to the hearing date.*

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 was originally set to be heard in the Assembly Water, Parks and Wildlife Committee on March 24<sup>th</sup> but that hearing was cancelled. AB 2299 has now 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 was originally set to be heard in the Assembly Water, Parks and Wildlife Committee on March 24<sup>th</sup> but that hearing was cancelled. AB 2429 has now 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 was originally set to be heard in the Assembly Water, Parks and Wildlife Committee on March 24<sup>th</sup> but that hearing was cancelled. AB 2502 has now 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 introduced, AB 2523 by Assembly Member [Adam C. Gray](#) (D/21-Merced) would authorize the Commission to establish a program to increase opportunities to hunt big game, upland game birds and migratory game birds for youth with terminal illnesses or who lost a parent in service to the state or country. Among other things, the bill would authorize the Commission to establish a special hunting permit that authorizes the youth to hunt big game, upland game birds or migratory birds, and to engage in hunting activities otherwise prohibited that are necessary to enable the youth hunter to hunt those species. The bill would require the special hunting permits to be issued free of charge by DFW and would require the applicant for a special hunting permit to hold a valid hunting license.

*AB 2523 is set to be heard in the Assembly Water, Parks and Wildlife Committee on Thursday, May 14<sup>th</sup>. That hearing will be held in State Capitol Assembly Chambers, beginning at 10:00 a.m.*

No committee analysis is currently available for AB 2523.

A coalition letter in support of AB 2523 is currently being processed and scheduled to be finalized and submitted to committee tomorrow, Tuesday, May 5<sup>th</sup>.

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.*

No committee analysis is currently available for AB 2691.

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, unless the provision is extended by subsequent legislation.

Should the age eligibility revert to 15 years at the beginning of the next hunting license year (July 1, 2020), it would notably impact our Recruitment, Retention and Reactivation (R3) efforts by, among other things, requiring 16 and 17 year old youth to purchase a significantly more expensive “adult” license, and also forego their opportunity to apply for youth/apprentice hunts provided by DFW and others. Further, it would create substantial problems for DFW in terms of how to handle applications made prior to July 1<sup>st</sup> for next year’s license and implementation of youth hunts this coming fall, as well as cause serious confusion and enforcement concerns in the field.

This predicament was supposed to be addressed in the 2020 Session as a provision in a sweeping R3 related bill sponsored by the state. However, when that legislation failed to be introduced by the recent bill introduction deadline, Assembly Member [Jay Obernolte](#) (R/33-Hesperia) agreed to author AB 3022. As introduced, AB 3022 would extend the sunset for one year to July 1, 2021 – addressing this concern for the upcoming hunting license year, and buying us additional time to introduce and pass subsequent legislation which would extend the junior hunting license eligibility of 17 years of age indefinitely.

In order to have this bill take effect by July 1, 2020, AB 3022 includes an urgency statute which states the bill will take effect immediately upon enactment. A Floor vote on the urgency clause must precede a vote on the bill, with 2/3<sup>rd</sup>s vote required for adoption of the clause and for passage of the bill.

*AB 3022 is set to be heard in the Assembly Water, Parks and Wildlife Committee on Thursday, May 14<sup>th</sup>. That hearing will be held in State Capitol Assembly Chambers, beginning at 10:00 a.m.*

No committee analysis is currently available for AB 3022.

A coalition letter in support of AB 3022 is currently being processed and scheduled to be finalized and submitted to committee tomorrow, Tuesday, May 5<sup>th</sup>.

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 referred to the Assembly Public Safety Committee. At this time, Assembly Public Safety Committee does not have a hearing on calendar, and it is unclear if the author plans to have the bill heard.*

No committee analysis is currently available for AB 3058.

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 March 16, 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.

Existing law also prohibits the possession of a handgun by a minor, with a violation of that prohibition being punishable as either a felony or a misdemeanor. As recently amended, SB 914 would also extend that prohibition to long guns, with a violation of that prohibition punishable as a misdemeanor. As amended, among other things, SB 914 would exempt minors 16 years of age or older who have written consent of a parent or legal guardian and who are actively engaged in, or in direct transit to or from, activities including competitive shooting, hunting or hunting education. SB 914 also would exempt minors under 16 years of age who are engaged in, or in transit to or from those activities, as long as they are accompanied by a parent or legal guardian, or a responsible adult with prior written consent of their parent or legal guardian. In addition, SB 914 would exempt minors engaged in those activities who have

the prior written consent of a parent or legal guardian and who are on lands owned or possessed by the parent or legal guardian.

*SB 914 was set to be heard in Senate Public Safety Committee on March 24<sup>th</sup>, but that hearing was cancelled. Currently, Senate Public Safety Committee does not have a hearing on calendar.*

No committee analysis is currently available for SB 914.

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 was set to be heard in Senate Natural Resources and Water Committee on March 24<sup>th</sup>, but that hearing was cancelled. At this time, Senate Natural Resources and Water Committee does not have a hearing on calendar and it is unclear if the author plans to have the bill heard.*

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 was set to be heard in Senate Natural Resources and Water Committee on April 14<sup>th</sup>, but that hearing was cancelled. At this time, Senate Natural Resources and Water Committee does not have a hearing on calendar and it is unclear if the author plans to have the bill heard.*

No committee analysis is currently available for SB 1080.

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

#### **[SB 1175 \(Stern\)](#) – “Iconic African Species Protection Act”**

SB 1175 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.



Similar legislation, SB 1487, was introduced by Senator Stern during the 2018 Session. SB 1487 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 was set to be heard in Senate Natural Resources and Water Committee on March 24<sup>th</sup>, but that hearing was cancelled. At this time, Senate Natural Resources and Water Committee does not have its next hearing on calendar, but it appears that the author plans to have the bill amended and heard. Note that Senator Stern, the author of SB 1175, also chairs the Senate Natural Resources and Water Committee.*

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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