



GAINES & ASSOCIATES
GOVERNMENT RELATIONS

“GAINES REPORT”

CALIFORNIA STATE LEGISLATURE
2019/2020 LEGISLATIVE SESSION WRAP

SEPTEMBER 8, 2020

Early in the morning of Tuesday, September 1st, the final gavel rang out at our State Capitol, bringing to a close the two-year 2019/2020 State Legislative Session.

Although the 2019/2020 State Legislative Session is over, all legislative activity is not complete. The Governor has until September 30th to sign or veto bills that have made it to his desk.

With several bills of interest remaining at play until the final few days of Session, and the destiny of some waiting until the final few minutes, this *Gaines & Associates “California State Legislature – 2019/2020 Legislative Session Wrap-Up”* will provide you with the latest status of legislation of interest to California’s wildlife and conservation community.

In the interest of brevity, this *Gaines Report* will only provide status on those bills which were alive entering the last month Session, August 2020. For information regarding bills that died prior to August 1, 2020, please see previous *Gaines Reports*, or contact *Gaines & Associates* at the email provided 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

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

Legislation passed in 2018 required Department of Fish and Wildlife (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 sent to the suspense file.

Although this positive legislation had not suffered a single “no” vote and could have been implemented at minimal cost to the state, AB 2106 was never pulled off suspense and heard in Senate Appropriations Committee. Failing to pass out of Senate Appropriations Committee by the August 21st legislative deadline, AB 2106 is dead.

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

To view the wildlife conservation coalition letter 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 to the Senate Natural Resources and Water Committee in support of AB 2106, click [AB 2106 Coalition Ltr – SNRW Comm - SUPPORT](#)

To view all the information 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 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, *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. In these

meetings we pointed out the lead role hunters and anglers have historically played in California's wildlife and fishery conservation efforts – noting that should AB 3030 result 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.

Largely as a result of these meetings, 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.

Although our efforts did result in many positive changes in the language of AB 3030, *Gaines & Associates* and our partners still had some remaining serious concerns with the bill – most notably the lingering need to define the word “protect” to ensure future interpretation of the purpose of the bill would not be to restrict access or deny legal recreational take of our fishery and/or wildlife resources.

AB 3030 passed through the Assembly and to the Senate by early June via party-line votes. Once on the Senate side, AB 3030 passed out of Senate Natural Resources and Water Committee and to the Senate Appropriations Committee via another party-line vote in early August. Once in Senate Appropriations Committee, AB 3030 was sent to the suspense file.

AB 3030 was never pulled off suspense and heard in Senate Appropriations Committee. Failing to pass out of Senate Appropriations Committee by the August 21st legislative deadline, 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 available on AB 3030, click [AB 3030 Detail](#)

SB 914 (Portantino) – Firearms: Hunting Exemptions – GOVERNOR'S DESK

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 enrolled, 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. In doing so, SB 914 would have a substantial negative impact on 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 out of the Senate via party-line votes in June. On the Assembly side, SB 914 passed out of Public Safety Committee and to Assembly Appropriations Committee in early August via another party-line vote. Once in Assembly Appropriations Committee, SB 914 was sent to the suspense file.

SB 914 was pulled off suspense, heard and passed out of the Assembly Appropriations Committee and to the Assembly Floor on August 20th. SB 914 passed off the Assembly Floor on August 30th and was sent back to the Senate for concurrence in amendments taken on the Assembly side. On August 31st, the Senate concurred with the Assembly amendments placed in SB 914. SB 914 is now on the Governor's desk.

Governor Newsom has until September 30th to sign or veto SB 914.

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 available on SB 914, click [SB 914 Detail](#)

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

As introduced in February, SB 1175 by Senator [Henry I. Stern](#) (D-Calabasas) focused on only one subject – enacting a prohibition on 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. Coined the “Iconic African Species Protection Act”, SB 1175 would have exempted articles possessed for noncommercial purposes that the owner could demonstrate were in their possession within California before January 1, 2021.

When COVID hit, the Session shortened and the state's priorities rapidly changing, Legislators were asked to pull bills which were not COVID-related or of some type of urgency for this year. With SB 1175, as introduced, being none of the above, rather than pull the bill Senator Stern quickly amended the bill to add a provision which dealt with COVID. With language added to the bill which would have required DFW to prohibit importation of a wild animal species into the state when evidence suggested

that the species could be responsible for a transmissible human disease, SB 1175 continued on its way and passed out of the Senate in June.

Once in the Assembly, SB 1175 was heard in the Assembly Water, Parks and Wildlife Committee on August 4th, passing out and to the Assembly Appropriations Committee via a partisan vote after a lively debate – with 3 members not voting.

SB 1175 passed out of the Assembly Appropriations Committee and to the Assembly Floor on August 20th, then off the Assembly Floor early in the evening of August 31st – all via party-line votes. SB 1175 appeared to be soon on its way to the Governor’s desk.

But, with amendments having been placed in the bill on the Assembly side, SB 1175 had to go back to the Senate for concurrence – normally nothing more than a simple formality. But nothing was “normal” this year, and certainly not on this final night of the 2020 Session. With all but one Republican Senator required to vote remotely due to their exposure to a Republican colleague recently diagnosed with COVID, and a little-known subsection of the California Constitution on our side, we had one last long-shot at killing SB 1175.

Article IV, Section 10, subsection (c) of the California Constitution states that “... No bill may be passed by either house on or after September 1 of an even-numbered year except statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes, and bills passed after being vetoed by the Governor.”

Aware of this constitutional deadline – and with SB 1175 and several other partisan bills still needing Senate approval – the small minority of Republican members in the Senate seized on a rare opportunity to take control. As the clock ticked towards midnight, conservatives drug out their remote commentary with lengthy statements on other bills up for vote while the liberal super-majority could only watch. As frustration from on the Senate Floor rapidly mounted, Republicans killed the clock, SB 1175, and a wealth of other partisan legislation.

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

To view the wildlife conservation coalition letter to Senator Stern 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 available on SB 1175, click [SB 1175 Detail](#)

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