



GAINES & ASSOCIATES

SPECIAL REPORT

CALIFORNIA STATE LEGISLATURE

2015 SESSION UPDATE

JUNE 12, 2015

This *Gaines & Associates “Special Report”* will provide you with the current status of bills of interest during the 2015 Session of the California State Legislature.

As summer approaches, legislative deadlines are quickly determining what bills are still viable this year, which ones may have to wait until the second year of the 2015/2016 Session for further action, and which have perished. Friday, June 5th, was the last day for bills to be passed out of their house of origin (Senate or Assembly).

Bills are placed in numerical order. To view the most current text and/or associated information of any of the bills below, simply click on the bill number and author in **blue**.

Red text notes a change in status since our last *Gaines & Associates “Special Report”*.

This “Special Report” is 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

CALIFORNIA LEGISLATURE – 2015/2016 SESSION

- **[AB 96 \(Atkins\)](#) – **Importation or Sale of Ivory and Rhinoceros Horn**
This bill would prohibit a person from purchasing, selling, offering for sale, importing or possessing with intent to sell any ivory or rhinoceros horn.**

Current law allows the possession with intent to sell, of any part or product of an elephant – including ivory – if the item was imported before June 1, 1977. This bill would delete that exemption, and further prohibit the importation, purchase, sale, or possession for sale of *any* ivory from *any* source – including anything

made from or containing tooth or tusk of hippopotamus, mammoth, walrus, whale, or narwhal. AB 96 allows for very few exceptions, but would exempt ivory or rhinoceros horn that is part of a musical instrument, if it is less than 20% by volume of the instrument *and* the owner or seller can provide documentation demonstrating origin and that the antique is more than 100 years old.

The primary author of AB 96 is the Speaker of the Assembly, Assembly Member Toni Atkins (D/78-San Diego), and the bill has numerous co-authors in the Assembly and Senate. The bill is backed by the Humane Society of the United States and numerous animal-welfare organizations.

With more than 70 organizations and individuals testifying in support of the measure, AB 96 passed out of the Assembly Water, Parks and Wildlife Committee on March 10th on a 10 to 2 party-line vote, with 3 Republicans not voting. *Gaines & Associates* testified on behalf of many of our clients, and was one of only four to testify in opposition to the bill.

AB 96 was briefly heard in Assembly Appropriations Committee on March 25th, and was placed in the “suspense file”.

The bill was pulled off suspense on May 28th and passed out of Assembly Appropriations Committee on a 12-4 straight party-line vote. On June 2nd, the bill was brought up for a vote on the Assembly Floor, passing out on a 62-14 vote.

Now on the Senate side, AB 96 has been referred to the Senate Natural Resources and Water Committee, with no hearing date set at this time.

To view the Assembly Water, Parks and Wildlife Committee analysis of AB 96, click [AB 96 - AWPW Committee Analysis](#)

To view the Assembly Appropriations Committee analysis of AB 96, click [AB 96 - Assy Approps Committee Analysis](#)

To view the Assembly Floor analysis of AB 96, click [AB 96 - Assembly Floor Analysis](#)

- **[AB 290 \(Bigelow\)](#) – Wild Pig Management**

AB 290, legislation by Assembly Member Frank Bigelow (R/05-O’Neals), is intended to address the problem of wild pigs and the damage they do to public and private lands throughout the state.

The bill would delete the requirement that DFW prepare a management plan for wild pigs; authorize landowners, lessees or their agents to take wild pigs on their land without obtaining a depredation permit; replace the “one pig tag per pig” requirement with an annual “validation” that would allow for the unlimited take of wild pigs; set the base fee for a validation at \$15; and require 25% to 40% of

the funds generated from the sale of validations to be used to remediate land damaged by wild pigs.

Gaines & Associates has two primary concerns with this legislation, as currently written: 1) it would do nothing to give those in the general public who hunt pigs greater hunting access or opportunity; and 2) it would negatively impact other big game species and those that hunt them by taking an estimated \$250,000 to \$400,000 annually out of the Big Game Management Account for the repair of lands damaged by pigs. *Gaines & Associates* does not believe the cost of repairing land damaged by pigs should be placed on the hunting community or DFW, nor should it come at the expense of the health of our native big game species.

The author, who is making every effort to address concerns, has made AB 290 a “two-year” bill – allowing plenty of time for Gaines & Associates to work on addressing our client’s concerns. AB 290 will not be heard until early next year.

- **AB 367 (Dodd) – Clear Lake Wetlands**

As introduced, AB 367, by Assembly Member Bill Dodd (D/04-Napa), would have appropriated \$2,400,000 from the DFW’s “Fish and Game Preservation Fund” to the County of Lake for the restoration of Clear Lake wetlands, maintaining Clear Lake water quality, and preventing the spread of invasive species.

DFW’s Fish and Game Preservation Fund is largely made up of revenue generated by the license, stamp and tag fees paid by California’s hunters and anglers. Since much of these dollars are generated by the outdoor community, *Gaines & Associates* believes the Fund should give preference to expenditures which benefit game species and provide enhanced outdoor recreational opportunity. Further, *Gaines & Associates* believes that DFW, not the State Legislature, has the expertise on where the Fund’s limited dollars are most needed to protect and promote our fish and wildlife resources and the recreational benefit they provide.

With the above in mind, *Gaines & Associates* immediately took serious issue with AB 367 earmarking \$2,400,000 of these revenues for what we believe was inappropriate expenditure. *Gaines & Associates* was quick to work with DFW in seeking to strike the Fish and Game Preservation Fund as the source of the funds.

AB 367 was heard in Assembly Water, Parks and Wildlife Committee on April 14th, passing out of the Committee on an 11-4 vote, with the author agreeing to strike the reference to the Fish and Game Preservation Fund. On April 15th, the bill was amended to delete the Fish and Game Preservation Fund as the source of the \$2,400,000 for Clear Lake. As amended, the bill now states that the funds are to come from “an unspecified fund”.

AB 367 was briefly heard in Assembly Appropriations Committee on April 22nd and was placed in the “suspense file”.

The bill was pulled from suspense on May 28th and then held under submission to allow the author and the Committee to discuss the bill further at a later date. Having failed to pass out of fiscal committee by the deadline, AB 367 has become a “two-year” bill, and will be next heard in early 2016.

Recognizing that AB 367 does have some wildlife benefits, with the Fish and Game Preservation Fund now having been removed as the funding source, *Gaines & Associates* has met with Assembly Member Dodd and his Chief of Staff in an effort to assist them in securing an appropriate funding source.

To view the Assembly Water, Parks and Wildlife Committee analysis of AB 367, click [AB 367 - AWPW Committee Analysis](#)

To view the Assembly Appropriations Committee analysis of AB 367, click [AB 367 - Assy Approps Committee Analysis](#)

- **[AB 395 \(Gallagher\)](#) – Repeal of Non-Lead Ammunition for Hunting**
This straightforward legislation by freshman Assembly Member James Gallagher (R/03-Yuba City) would repeal the requirement placed into law by the passage of AB 711 that non-lead ammunition be used for all hunting statewide.

AB 711, passed into law in 2013, mandates that the Fish and Game Commission adopt regulations which require the use of non-lead ammunition for all hunting statewide by July 1, 2019. The bill further requires that the Commission adopt a phase-in schedule for the non-lead requirement by July 1, 2015. Since the passage of the bill, *Gaines & Associates* has been actively working with DFW and the Commission to try to minimize the impact on hunters of this severe requirement.

AB 395 would delete from state law all of the above provisions which require statewide use of non-lead ammunition. The bill would not, however, delete the requirement that non-lead ammunition be used for big game and coyotes in the California condor range.

Recognizing that the bill, as introduced, would almost certainly fail passage if heard in Committee, the author has been made AB 395 a “two-year” bill. Assembly Member Gallagher and his staff plan to use this time to work with *Gaines & Associates* and others on amendments to the measure that address some of our concerns, while improving the bill’s chance of passage.

AB 395 will be heard in Assembly Water, Parks and Wildlife Committee early next year.

- **[AB 462 \(Grove\)](#) – Firearm Waiting Period**
Current law requires a 10 day “waiting period” before an individual can obtain a firearm that he/she has purchased. AB 462, by Assembly Member Shannon Grove (R/34-Bakersfield), was amended in late March to eliminate the 10-day waiting period for those who are determined by the Department of Justice not to be prohibited from possessing, receiving, owning, or purchasing a firearm, and who possess a firearm as confirmed by the Automated Firearms System (AFS), are authorized to carry a concealed firearm, or who possess a valid Certificate of Eligibility and a firearm as confirmed by the AFS.

AB 462 was scheduled to be heard in Assembly Public Safety Committee on April 14th, but was pulled from the agenda by the author. The bill is now a “two-year” bill and will be heard in Assembly Public Safety Committee early next year.

- **[AB 499 \(Cooley\)](#) – Archery Hunting: Concealed Firearms**
Current law prohibits an individual archery hunting for deer from carrying a firearm, with the exception of an active or retired peace officer. This bill by Assembly Member Ken Cooley (D/08-Rancho Cordova) would authorize a person with a conceal carry permit to carry a firearm while archery hunting deer, as long as they do not attempt to take deer with the firearm. The measure does not try to address restrictions on conceal carry while hunting other game species because those prohibitions are contained in regulation, not statute in Fish and Game Code.

AB 499 was first heard in the Assembly Water, Parks and Wildlife Committee on April 28th, passing out on consent.

The measure passed off of the Assembly Floor on May 4th on a 78-0 vote. Once on the Senate side, AB 499 was referred to the Senate Natural Resources and Water Committee where it was slated to be heard on June 9th. However, the hearing was cancelled at the author’s request. AB 499 is now a “two-year” bill, and will be next heard in early 2016.

To view the Assembly Water, Parks and Wildlife Committee analysis of AB 499, click [AB 499 - AWPW Committee Analysis](#)

To view the Senate Natural Resources and Water Committee analysis of AB 499, click [AB 499 - SNRW Committee Analysis](#)

- **[AB 665 \(Frazier\)](#) – Local Regulation of Hunting and Fishing**
AB 665, legislation by Assembly Member Jim Frazier (D/11-Oakley), would provide that the Fish & Game Commission and DFW are the only entities that may adopt regulations regarding the taking or possession of fish and game on any land or water within the state – in effect, prohibiting cities, counties and other jurisdictions from passing their own local ordinances that prohibit hunting or fishing within their boundary. Under this bill, should a local jurisdiction desire to

prohibit hunting or fishing they would have to appeal to the Commission to adopt the regulation. Note that this legislation would not preclude public or private landowners from prohibiting hunting or fishing on their land.

AB 665 was first heard in Assembly Water, Parks and Wildlife Committee on April 14th – passing out of Committee on a unanimous 15-0 vote, despite heavy opposition from the *HSUS*, the *Center for Biological Diversity* and the *Sierra Club*. *Gaines & Associates* was pleased to join the bill’s sponsor – *California Waterfowl Association* in providing lead testimony on the bill in Committee. The bill was then heard in Assembly Appropriations Committee on Wednesday, April 22nd, passing out on consent.

The measure passed off of the Assembly Floor on April 30th on a 77-0 vote. The bill is currently on the Senate side, where it will first be heard in Senate Natural Resources and Water Committee on June 23rd. The hearing will be held in Capitol Room 112 at 9:30 A.M. Gaines & Associates will again be pleased to join CWA in providing lead testimony on the bill at this hearing.

On behalf of our clients, *Gaines & Associates* is pleased to be working very closely with the *California Waterfowl Association* to pass this important legislation to protect hunting and fishing opportunity in our state.

The bill has taken on technical amendments twice since its introduction – most recently on June 2nd. However, these amendments have not changed the intent or on-the-ground impact of the bill.

To view the Assembly Water, Parks and Wildlife Committee analysis of AB 665, click [AB 665 - AWPW Committee Analysis](#)

To view the Assembly Appropriations Committee analysis of AB 665, click [AB 665 - Assy Approps Committee Analysis](#)

- **[SB 345 \(Berryhill\)](#) – **The Sport Fishing Stimulus Act of 2015****
- Coined the “Sport Fishing Stimulus Act of 2015”, the intent of SB 345 by Senator Tom Berryhill (R/08-Oakdale) is to encourage more individuals to get involved in sport fishing in California.

Initially introduced as a “spot bill”, the measure was amended in early April, prior to its first hearing, to include four primary objectives:

- 1) Transition from a calendar-based annual sport fishing license to an annual license valid for twelve consecutive months from the date of purchase.
- 2) Create a “junior sport fishing license” at a reduced rate to any resident or non-resident that is either sixteen or seventeen years of age at the time of purchase. The license would also be good for twelve consecutive

months from the date of purchase, as long as the purchaser was under 18 at time of purchase.

3) Direct the Fish and Game Commission to develop regulations clarifying when fish that had been lawfully taken and then processed (e.g., filleted, frozen, smoked) no longer violated the possession limit.

4) Exempt charitable organizations and donor intermediaries from the possession limit for fish taken under a sports fishing license, as long as those organizations or individuals had a record of who lawfully caught and donated the fish.

The bill, as amended April 6th, was first heard in Senate Natural Resources and Water Committee on April 28th, passing out on a unanimous 8-0 vote. However, concern over the estimated cost of the bill to the state resulted in the bill being amended again on May 6th – prior to being heard in Senate Appropriations Committee.

SB 345 was brought up briefly in Senate Appropriations Committee on May 18th, but quickly placed on the “suspense file”. The bill was brought up for hearing again in the Committee on May 28th, passing out on a 5-0 vote – but only after commitments were made by the author to, among other things, strip the language from the bill that would have transitioned sport fishing licenses from calendar-based to an annual license valid for twelve consecutive months from the date of purchase. On June 2nd, the bill was amended to include the agreed to changes and the bill passed off the Senate Floor on a 39-0 vote on June 4th.

SB 345 is now in the Assembly, where it will be referred to the Assembly Water, Parks and Wildlife Committee for hearing later this summer.

To view the Senate Natural Resources and Water Committee analysis of SB 345, click [SB 345 - SNRW Committee Analysis](#)

To view the Senate Appropriations Committee analysis of SB 345, click [SB 345 - Senate Approps Committee Analysis](#)

To view the Senate Appropriations Committee analysis of SB 345, click [SB 345 - Senate Floor Analysis](#)

- **[SB 457 \(Nielson\)](#) – Bobcat Protection Act of 2013**

This legislation, authored by Senator Jim Nielson (R/04-Gerber), dives into the highly controversial “Bobcat Protection Act of 2013”, which was passed into law in 2013.

AB 1213 made it illegal to trap any bobcat in the area surrounding Joshua Tree National Park, but also required the Fish & Game Commission to adopt regulations which ban the trapping of bobcats adjacent to the boundaries of national and state parks, national monuments and wildlife refuges in which bobcat

trapping is currently prohibited. In addition, AB 1213 requires the Commission to consider banning bobcat trapping within and adjacent to, preserves, state conservancies, and any other public or private conservation areas. Finally, AB 1213 requires the Commission to delineate the boundaries of an area in which bobcat trapping is prohibited using readily identifiable features, such as highways or other major roads.

At the December 2014 Commission meeting, DFW staff gave a presentation on AB 1213, noting that the law's mandate that the Commission adopt trapping closures adjacent to other protected areas could require the consideration of over 280 separate closure zones statewide. Due to the enormous amount of effort that would take, DFW stated that they were considering a simplified recommendation that would lay out northern and southern California trapping zones which include areas with "substantial" bobcat trapping records over the last decade – action which would, if adopted, close a considerable portion of central California to bobcat trapping. Making matters worse, following the DFW presentation, the Commission – on a 3-2 vote – directed Department staff to add *a complete statewide closure* to the list of options they could consider.

The primary intent of SB 457 is to maximize the areas remaining open to trapping by making it easier for the Commission to define multiple zone boundaries. To do so, SB 457, as amended in early April, proposes to revise the language put in code by AB 1213 to allow the Commission and DFW to delineate zone boundaries via the use of *any* road instead of just a *major* road, and geographic positions established by navigation and surveying methods – including GPS.

SB 457 was heard in Senate Natural Resources and Water Committee on April 14th, but ran into opposition from Committee members whose concerns included the bill running well behind the Commission process. With the bill on the brink of being killed by a vote, the Committee agreed to allow the author to work on the bill and bring it back for hearing on April 28th. *However, SB 457 was not placed on agenda for the April 28th hearing of the Committee and has become a "two-year" bill. Gaines & Associates was pleased to testify in support of the bill in Committee on behalf of some of our clients.*

To view the Senate Natural Resources and Water Committee analysis of SB 457, click [SB 457 - SNRW Committee Analysis](#)

- **[SB 615 \(Berryhill\)](#) – Groundwater Basin Adjudication**
Originally introduced as a "spot bill", SB 615 – legislation by Senator Berryhill (R/08-Modesto) – was amended on April 6th to propose that managed wetlands are exempt from costly and laborious waste discharge requirements prescribed by the Porter-Cologne Water Quality Control Act.

Artificially irrigated and managed wetlands provide important habitat for the benefit of waterfowl and other wetland-dependent species. These wetlands not

only provide critically needed habitat for wetland-dependent species, they often offer public and private hunting opportunity. Current law requires these lands to be subject to the same waste discharge and monitoring requirements applied to agricultural and other lands. The potential costs associated with implementing these requirements on managed wetlands would likely result in many of these important habitats being lost to other land uses.

Gaines & Associates is working closely with Senator Berryhill and the bill's sponsor, *California Waterfowl Association*, to pass this much needed measure on behalf of our wetland-related clients.

SB 615 was set to be heard in Senate Environmental Quality Committee on April 29th, but the hearing was canceled at the request of the author. SB 615 is now a "two year" bill and will be heard in early 2016.

In the meantime, on behalf of our waterfowl/wetland related clients, *Gaines & Associates* will continue to work with the bill's author and sponsor on educating members of the State Legislature over the importance of the bill to best ensure its passage in 2016.

To view the Senate Natural Resources and Water Committee analysis of SB 615, click [SB 615 - SNRW Committee Analysis](#)

Gaines & Associates is pleased to be actively monitoring/working all of the above bills for our clients. We also continually monitor all actions of the State Legislature on our client's behalf, on the lookout for bills which may be suddenly amended in a way which impacts wildlife conservation and the future of our hunting heritage.

CALIFORNIA LEGISLATURE OUTDOOR SPORTING CAUCUS

In an effort to have an even greater impact on legislation of concern to California's hunting and conservation community, *Gaines & Associates* is proud to play a lead private sector role in implementing and strengthening the *California Legislature Outdoor Sporting Caucus* – a bipartisan, bicameral assemblage of State Legislators who support policy decisions which embrace and promote California's outdoor traditions. In close coordination with our clients and other partner organizations and interests, *Gaines & Associates* is working with Caucus members to hold events and forums which educate, focus and coordinate the State Legislature's support of California's wildlife and fishery resources and the outdoor-related activities that depend upon them. Created by California Waterfowl Association and *Gaines & Associates* staff over ten years ago, the *California Legislature Outdoor Sporting Caucus* currently consists of 32 members of California's State Legislature – making it one of the largest caucuses at our State Capitol.

In close coordination with many of our clients and other partners in the wildlife conservation community, *Gaines & Associates* is pleased to have worked, or is currently working on the below Caucus events during the 2015 State Legislative Session:

2015 State Capitol Hunter Education Course

Gaines & Associates was pleased to coordinate with Caucus leadership on hosting our annual *State Capitol Hunter Education Course* at the Legislative Office Building across the street from the State Capitol on March 27th. In addition to providing State Legislators and their staff with the Hunter Education Certificate they need to obtain their hunting license, the intent of this course was to serve as a powerful educational tool regarding the conservation ethic of the hunting community and the integral role hunting plays in our North American Wildlife Conservation Model. This year's course was again taught by DFW's finest Hunter Education instructors.

10th Annual California Legislature Outdoor Sporting Caucus Social

With the generous financial support of *California Waterfowl Association*, this annual event was held on the evening of April 29th at Chops restaurant across the street from the State Capitol. This year's event, which was well attended by both Legislators and conservation organization leadership, fully achieved its goal of building membership in our Caucus and awareness of the issues we care about with those who define policy which drives the future of hunting and wildlife conservation in California.

2015 California Legislature Outdoor Sporting Caucus Trap and Skeet Shoot

Scheduled for June 17th at the Cordova Shooting Center in Rancho Cordova. The intent of this annual Caucus Shoot is to have a positive impact on future gun control legislation by putting firearms in the hands of Legislators – many of whom have never fired or even handled a gun – who determine laws which dictate your ability to purchase and possess sporting arms and munitions, and your freedom to enjoy our hunting and shooting traditions in California. After busting a few targets, these lawmakers leave with a smile and view future gun and ammunition bills which cross their desk in a different light.

We are grateful for the critical assistance of the *Department of Fish and Wildlife Enforcement Branch* and *Certified Hunter Education Instructors* for providing “on range” safety and instruction each year during this event.

Capitol Staff Briefings

Gaines & Associates is working with our partners and Caucus Leadership to provide Capitol staff with briefings on bills of concern to the hunting and wildlife community at critical points during the 2015 Legislative Calendar. These briefings – which will be scheduled prior to Floor Sessions when Legislators will be tasked with voting on several

bills of interest – will provide us with yet another opportunity to highlight our concerns with bills of interest in an extra effort to have a positive impact on their outcome.

The above *California Legislature Outdoor Sporting Caucus* events are critical to our ability to educate key policy makers of the time-honored traditions of all types of hunting and shooting. In addition, these events help build awareness and support of, and membership in our Caucus at the State Capitol. In short, these *California Legislature Outdoor Sporting Caucus* events are a major step towards promoting wildlife conservation and protecting our hunting traditions for generations to come to enjoy.

For more information on the *California Legislature Outdoor Sporting Caucus*, visit the Senate website by clicking [Outdoor Sporting Caucus](#)

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