



GAINES & ASSOCIATES

SPECIAL REPORT

CALIFORNIA STATE LEGISLATURE

2016 SESSION UPDATE

AUGUST 15, 2016

At the half way point of the final month of the 2015/2016 two-year California State Legislative Session, some bills still under consideration that are of interest to the conservation community have moved on, while others have fallen by the wayside. This “*Gaines & Associates Special Report – 2016 Session Update*” will provide our clients with the absolute latest status of all legislation of concern still pending in the final month of the 2015/2016 Legislative Session at our State Capitol.

The 2015/2016 State Legislative Session will come to a close upon adjournment on Wednesday, August 31st.

To view the most current text of any of the bills below, simply click on the bill number and author in **blue text**. Any new action taken since our last “Gaines & Associates Special Report” is highlighted in **red text**.

In order to be concise, this “Special Report” will not address legislation of concern which has already been reported on in previous “Gaines & Associates Special Reports” to have died, or have been signed into law prior to August 1st.

For more information on any of the below bills, or any other piece of legislation, please contact Gaines & Associates at info@gainesandassociates.net

This “*California State Legislature – 2016 Session Update*” is provided as a service to clients of *Gaines & Associates*.

2016 State Legislative Session

- **[AB 665 \(Frazier\)](#) – **Local Regulation of Hunting and Fishing**
AB 665 by Assembly Member Jim Frazier (D/11-Oakley) would have provided that the California Fish and Game Commission and California Department of Fish and Wildlife (CDFW) were the only entities that could adopt regulations regarding the taking or possession of fish and game on any land or water within the state. This legislation would not have precluded public or private landowners from prohibiting hunting or fishing on their land.**

Failing to meet legislative deadline, this bill is dead.

To view the Senate Floor analysis of AB 665, click
[AB 665 - Senate Floor Analysis](#)

To view the Assembly Floor analysis of AB 665, click
[AB 665 - Assembly Floor Analysis](#)

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

- **[AB 1664 \(Levine/Ting\)](#) – **Assault Weapons**
AB 1664, introduced by Assembly Members Marc Levine (D/10-San Rafael) and Philip Y. Ting (D/19-San Francisco), would close the “bullet button” loop hole by expanding the legal definition of “detachable magazine” to mean an ammunition feeding device that can be easily removed from the firearm without disassembly of the firearm action, or with the use of a tool. AB 1664 would leave the current requirement in the code that, to qualify as an assault weapon, a centerfire rifle must have the capacity to accept a detachable magazine and any one of several other specified attributes – including a thumbhole stock or forward pistol grip. AB 1664 would also require those who lawfully possessed an assault weapon (as newly defined) that does not have a fixed magazine between January 1, 2001, and December 31, 2016, inclusive, to register the firearm by July 1, 2018.**

AB 1664 was first heard in Assembly Public Safety Committee in early March, passing out on a party-line vote. The bill then passed out of Assembly Appropriations Committee in late May and off of the Assembly Floor on June 1st.

Once on the Senate side, AB 1664 quickly passed out of Senate Public Safety Committee on a party-line vote in mid-June, and out of Senate Appropriations just days later by another party-line vote.

AB 1664 is now on the Senate Floor where it can be voted on at any time prior to the close of Session on August 31st. Gaines & Associates strongly urges you to immediately contact your Senator and ask them to vote “NO” on AB 1664 when

it comes up for a vote on the Senate Floor soon! If you do not know who your State Senate representative is, please click [Find My Senator!](#)

To view the Assembly Public Safety Committee analysis of AB 1664, click [AB 1664 - Assy PS Committee Analysis](#)

To view the Assembly Appropriations Committee analysis of AB 1664, click [AB 1664 – Assy Approps Committee Analysis](#)

To view the Assembly Floor analysis of AB 1664, click [AB 1664 - Assy Floor Analysis](#)

To view the Senate Public Safety Committee analysis of AB 1664, click [AB 1664 - Senate PS Committee Analysis](#)

To view the Senate Appropriations Committee analysis of AB 1664, click [AB 1664 – Senate Approps Committee Analysis](#)

To view the Senate Floor analysis of AB 1664, click [AB 1664 – Senate Floor Analysis](#)

- **[AB 1792 \(Wood\)](#) – Elk Tags: Federally Recognized Tribes**
As amended in late March, AB 1792 by Assembly Member Jim Wood (D/02-Healdsburg) would have required the California Fish and Game Commission, if requested, to engage in consultation with individual federally recognized Indian tribes in California regarding elk management issues. The bill would have also authorized the Commission to allocate elk tags to tribes to harvest elk for purposes of subsistence, cultural or religious ceremonies, or tribal celebrations.

Due to our serious concerns with the bill, *Gaines & Associates* and representatives of the *Rocky Mountain Elk Foundation (RMEF)* had numerous meetings with the author's office and committee staff, and testified in committee hearing regarding the substantial time and investment RMEF, CDFW and others have put towards the continuing recovery of elk in our state; the highly conservative and limited number of tags currently released to the public for hunting; the impact the bill would have had on the recovery effort; the impact the bill would have had on public hunting opportunity; and our serious concerns regarding the bill's authorization of tags without appropriate scientific backing and without consideration of the Elk Management Plan.

After much effort, in late May, AB 1792 was substantially amended to, among other things, delete the language which authorized the Commission to allocate tags to the tribes. As amended, the bill would have only directed CDFW to meet with individual tribes, if requested, to discuss elk-related issues for elk located within the territory of that tribe, and to work with the tribes to identify possible science-based solutions.

With our concerns addressed, the bill, as amended, passed off of the Assembly Floor in early June, and over to the Senate where it passed out of Senate Natural Resources and Water Committee just a couple of weeks later.

AB 1792 was set to be heard in Senate Appropriations Committee on August 1st, but the hearing was postponed by the committee. The bill was brought up again briefly in Senate Appropriations on August 8th and quickly placed in the suspense file due to the estimated impact of \$260,000 annually to the Department of Fish and Wildlife. The bill had its last shot at passing out of Senate Appropriations Committee on August 11th, but was held in the suspense file. Failing to meet the August 12th legislative deadline for passing out of fiscal committee, AB 1792 is dead.

To view the Assembly Water, Parks and Wildlife Committee analysis of AB 1792, click [AB 1792 – AWPW Committee Analysis](#)

To view the Assembly Appropriations Committee analysis of AB 1792, click [AB 1792 – Assy Approps Committee Analysis](#)

To view the Assembly Floor Analysis of AB 1792, click [AB 1792 – Assy Floor Analysis](#)

To view the Senate Natural Resources and Water Committee analysis of AB 1792, click [AB 1792 – SNRW Committee Analysis](#)

To view the Senate Appropriations Committee analysis of AB 1792, click [AB 1792 - Senate Approps Committee Analysis](#)

- **[AB 1844 \(Gallagher\)](#) – Reduced Veterans Hunting/Fishing License Fees**
As amended in late May, AB 1844 by Assembly Member James Gallagher (R/03-Yuba City) would have required CDFW to reduce the fee to obtain an annual or lifetime hunting, fishing or sportsman’s license by 25% for a person who is a veteran of the Armed Forces of the United States, was honorably discharged, and is a resident of California.

AB 1844 was “double-referred” to the Assembly Water, Parks and Wildlife Committee and the Assembly Veterans Affairs Committee. The measure was first heard in Assembly Water, Parks and Wildlife Committee in late March, passing out on a bipartisan vote. The bill then passed out of the Assembly Veterans Affairs Committee on a unanimous vote in April. The bill kept up its momentum by passing out of the Assembly Appropriations Committee in late May by another unanimous vote, and off of the Assembly Floor by a nearly unanimous 78 to 2 vote just days later.

Once on the Senate side, *Gaines & Associates* was pleased to testify in support of AB 1844 as it passed out of the Senate Natural Resources Committee in late June by yet another unanimous vote. But then the road suddenly got rough.

AB 1844 was heard briefly in Senate Appropriations Committee on August 1st, and promptly placed in the suspense file due to the “unknown, but significant revenue loss to CDFW from discount sales of hunting and fishing licenses...”. The bill was on agenda to be possibly heard and passed out of committee on August 11th, but was held on suspense. Failing to meet the August 12th legislative deadline for passing out of fiscal committee, AB 1844 is now dead.

To view the Assembly Water, Parks and Wildlife Committee analysis of AB 1844, click [AB 1844 – AWPW Committee Analysis](#)

To view the Assembly Veterans Affairs Committee analysis of AB 1844, click [AB 1844 – Assy VA Committee Analysis](#)

To view the Assembly Appropriations Committee analysis of AB 1844, click [AB 1844 – Assy Approps Committee Analysis](#)

To view the Assembly Floor Analysis of AB 1844, click [AB 1844 Assy Floor Analysis](#)

To view the Senate Natural Resources and Water Committee analysis of AB 1844, click [AB 1844 –SNRW Committee Analysis](#)

To view the Senate Appropriations Committee analysis of AB 1844, click [AB 1844 - Senate Approps Committee Analysis](#)

- **[AB 2148 \(Holden\)](#) – Drone Regulation**

AB 2148, legislation by Assembly Member Chris Holden (D/41-Pasadena), was amended again in early August, largely to ensure the language of the proposal fully cooperated with the Federal Aviation Administration and assumed the appropriate division of responsibility for the regulation of drones between the federal and state governments. The amendments maintain the bill’s intent to prohibit the launching, landing, or operating of a drone from CDFW and/or California Department of Parks and Recreation managed lands or their airspace. The bill would also ban the use of drones for scouting, taking, or assisting in the taking, pursuing, driving, or herding of any mammal or bird – unless done on private property by a landowner or tenant for the purpose of hazing birds and mammals to prevent property damage. The bill expressly allows the use of drones for appropriate and necessary wildlife conservation and research purposes.

Recognizing the possible benefits of this legislation to the promotion and protection of wildlife, *Gaines & Associates* worked with the bill’s sponsor in an effort to help insert language which allows agency use of drones for wildlife

research and conservation, while ensuring protections remain in place which fully prohibit their use by others for scouting, herding or other purposes which do not embrace the fair chase ethic.

AB 2148 was “double-referred” to the Assembly Water, Parks and Wildlife Committee and the Assembly Committee on Privacy and Consumer Protection. The bill quickly passed through both committees in April. Keeping its momentum up, AB 2148 then passed out of Assembly Appropriations Committee and off of the Assembly Floor in May and was sent to the Senate. Once on the Senate side, the bill passed out of the Senate Natural Resources and Water Committee in late June and was sent to Senate Appropriations Committee.

AB 2148 was briefly heard in Senate Appropriations Committee on August 8th, and quickly placed in the suspense file. The bill was pulled from the suspense file and heard on August 11th, passing out on a 5 to 2 vote. The bill is now headed to the Senate Floor where it could be heard at any time prior to the close of Session on August 31st. If you would like to have your voice heard regarding the wildlife conservation and fair chase benefits of AB 2148, contact your State Senate representative right away and ask them to vote “YES” on AB 2148. If you do not know who your State Senate representative is, please click [Find My Senator!](#)

To view the Assembly Privacy and Consumer Protection Committee analysis, click [AB 2148 – Assembly PCP Committee Analysis](#)

To view the Assembly Water, Parks and Wildlife Committee analysis of AB 2148, click [AB 2148 – Assembly WPW Committee Analysis](#)

To view the Assembly Appropriations Committee analysis of AB 2148, click [AB 2148 – Assy Approps Committee Analysis](#)

To view the Assembly Floor analysis of AB 2148, click [AB 2148 – Assembly Floor Analysis](#)

To view the Senate Natural Resources and Water Committee analysis of AB 2148, click [AB 2148 – SNRW Committee Analysis](#)

To view the Assembly Appropriations Committee analysis of AB 2148, click [AB 2148 - Senate 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) was to encourage more individuals to get involved in sport fishing in California. As originally amended in April 2015, this measure included four objectives:

- 1) Transition from a calendar year annual sport fishing license to a license valid for twelve 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 was heard in Senate Natural Resources and Water Committee in April 2015, passing out on a unanimous vote. SB 345 was then heard in Senate Appropriations Committee in May 2015, passing out on another unanimous vote – but only after the author had to agree to strip out the most important component of the bill: the provision that would have transitioned fishing licenses from calendar-based to an annual license valid for twelve months from the date of purchase. In June 2015, the bill, as amended, passed off the Senate Floor on a unanimous vote and over to the Assembly.

After sitting idle for over a year – but having met all the necessary legislative deadlines – SB 345 was brought up for hearing on the Assembly side, passing out of the Assembly Water, Parks and Wildlife Committee on a unanimous vote this past June and sent to Assembly Appropriations.

The bill was brought up briefly in Assembly Appropriations Committee on August 3rd, and quickly placed in the suspense file. The bill was on agenda to be possibly heard and passed out of committee on August 11th, but was held on suspense due to “annual DFW revenue losses of approximately \$660,000 for five years resulting from reduced fishing license fees for 16 and 17 year olds”. Failing to meet the August 12th legislative deadline for passing out of fiscal committee, SB 345 is now dead.

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 Floor analysis of SB 345, click [SB 345 - Senate Floor Analysis](#)

To view the Assembly Water, Parks and Wildlife Committee analysis of SB 345, click [SB 345 – Assembly WPW Committee Analysis](#)

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

CALIFORNIA LEGISLATURE OUTDOOR SPORTING CAUCUS

Gaines & Associates continues to work closely with our clients/partners in conservation to help strengthen the positive role at our State Capitol of 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, and with the financial support of our client/partner organizations, *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 sporting arms, and wildlife and fishery resources and the outdoor-related activities that depend upon them.

In 2016, *California Legislature Outdoor Sporting Caucus* included the following annual events:

- **State Capitol Hunter Education Course – August 5th**

Each year, *Gaines & Associates* is pleased to coordinate with Caucus leadership on hosting our annual *State Capitol Hunter Education Course* – “*Under the Capitol Dome*” for State Legislators and their staff. This year, the course was held on Friday, August 5th. In addition to providing attendees with their Hunter Education Certificate, the intent of this course is 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. The positive message about hunters and hunting that decision-makers receive from taking the course pays dividends on tough anti-hunting legislation we often see introduced at our State Capitol. The 2016 State Capitol Hunter Education Course was hosted by *Gaines & Associates*, and sponsored by the *Black Brant Group*. An additional hearty thank you must be given to CDFW for loaning us to of their best Hunter Safety Instructors to teach the course.

- **California Legislature Outdoor Sporting Caucus Trap Shoot**

The annual *California Legislature Outdoor Sporting Caucus Trap Shoot* is intended to safely introduce California lawmakers to our time-honored shooting and archery traditions, while helping to build the size and breadth of the *California Legislature Outdoor Sporting Caucus*. Under the close guidance of experienced shooting and archery instructors, this important and highly popular event puts firearms safely in the hands of those who are tasked with defining firearm policy for the state – often for the first time. This critical annual event has proven to make a positive difference on the outcome of gun control legislation brought forward for consideration at our State

Capitol. The *2016 Caucus Shoot* was held on June 22nd at the Cordova Shooting Center in Rancho Cordova. This year's event boasted a "full house" on the range, with the largest turnout ever for this always popular annual affair. Sponsors of this year's Shoot included the *National Wild Turkey Federation, California Waterfowl Association, Ducks Unlimited, Gaines & Associates, California Bowmen Hunters/State Archery Association, California Deer Association, Butte County Fish and Game Commission, Monterey County Fish and Game Commission, Rocky Mountain Elk Foundation, Tulare Basin Wetlands Association, California Houndsmen for Conservation, Bay Area Chapter of Safari Club International, and the Congressional Sportsmen's Foundation National Assembly of Sportsmen's Caucuses.*

- ***Annual California Legislature Outdoor Sporting Caucus Social***

Fully sponsored by the *California Waterfowl Association*, the *Annual California Legislature Outdoor Sporting Caucus Social* provides a fun and low-key forum for conservation organizations and interests to meet with State Legislators and other policy-makers to discuss issues of importance to the future of hunting and wildlife conservation in California. The *2016 Caucus Social* was held the evening of April 26th in Sacramento.

The *California Legislature Outdoor Sporting Caucus* was created by *California Waterfowl Association* and *Gaines & Associates* staff over ten years ago. The *California Legislature Outdoor Sporting Caucus* currently consists of 33 members of California's State Legislature – making it one of the largest caucuses at our State Capitol.

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

This Gaines & Association "Special Report" provides the current status of bills of greatest interest to our clients. For full detail on any of the bills noted above, or any other piece of legislation or issue of concern, please contact us at info@gainesandassociates.net

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