



August 30, 2013

The Assembly Appropriations Committee took up their Suspense File on Friday, August 30th, consisting of 152 bills that proposed to spend approximately \$600 million. The committee chair, Mike Gatto (D-Los Angeles), announced that the committee was prepared to send 110 of the measures to the floor and, with the committee's amendments, the total cost would be \$17 million. He said that continuing to safeguard state spending was his committee's top priority to help ensure the state's continued economic recovery. All of the following, except SB 404 (Hannah-Beth Jackson, D-Santa Barbara), were approved and sent to the Assembly:

SB 1 (Darrell Steinberg, D-Sacramento) would reinstitute the Community Redevelopment Law under the guise of Sustainable Communities Investment Authorities. The bill was amended, at the request of the author, to limit the bill's potential impact on farmland. Unfortunately, the specific language of the amendments will not be available until next week. We are gratified that the author has agreed to limit the potential of eminent domain to take productive farmland for a subsequent private development project but Farm Bureau remains opposed to SB 1.

SB 43 (Wolk-D, San Francisco) establishes the Green Tariff Shared Renewables Program, a statewide 600 Megawatt (MW) pilot program, to allow the customers of investor-owned utilities to purchase a portion of electricity from a renewable facility. Recent amendments to the bill focused on ensuring costs to non-participating ratepayers would not increase as a direct result of the program. It is now stated directly that when the Public Utilities Commission implements the program, no costs are to be shifted from participating customers to nonparticipating customers. The true test is how the PUC actually implements that directive. The program would be in addition to the renewable energy the utilities are mandated by state law to purchase.

The program was also changed from one that would allow sellers of electricity to sell and market directly to customers of utilities to one where utilities would offer a green tariff to interested customers who choose to have their energy needs served with renewable energy. It would allow for a build out of 600 MW under the program. It is anticipated the vast majority of the projects will be solar generation. Farm Bureau is opposed because of the potential impacts of the program to farmland.

SB 485 (Ron Calderon, D-Montebello) would require junk dealers and recyclers to provide documentation of the necessary permits and business practices to prove they are operating legally prior to obtaining a weighmaster certificate from a County Agricultural Commissioner and Sealer. It also allows an additional \$500 fee to be charged to cover the costs of these inspections. The intent of this bill is to ensure that recyclers and junk dealers are complying with current law and are properly permitted to

operate their businesses. There is a proliferation of “illegal” recyclers and this bill will help stop those activities. Farm Bureau supports.

SB 749 (Lois Wolk, D-Davis) would extend the sunset for the provision that allows accidental take for ongoing and routine farming and ranching activities under the California Endangered Species Act (CESA). It also clarifies where lease revenues generated from agricultural leases on lands owned by the Department of Fish and Wildlife are deposited. SB 749 ensures that these revenues can be used to support the maintenance and operations of the Department’s lands, and it clarifies when the administrative record is closed for purposes of listing species under CESA. The bill was recently amended to also clarify that farmers transferring water can maintain non-irrigated cover crops so long as the water used by those crops does not diminish the amount being transferred. This bill is co-sponsored by Farm Bureau, the California Cattlemen’s Association, and the California Waterfowl Association.

SB 404 (Hannah-Beth Jackson, D-Santa Barbara) includes “familial status” as a protected classification under the California Fair Housing and Employment Act. “Familial status” is a very broad term that will sweep in a massive number of employees and their relationships, such that virtually any employee could be covered by it. As a result, nearly any adverse employment decision by an employer could be construed as discriminatory if SB 404 becomes law. SB 404 was held on the Assembly Appropriations suspense file. Farm Bureau opposes.

The Senate Appropriations Committee did not provide the fiscal impact details of their Suspense File as provided by the Assembly. Bills that were approved by the committee and sent to the Senate floor for a vote in the next two weeks include:

AB 8 (Henry Perea, D-Fresno and Nancy Skinner, D-Berkeley) continues the authority through 2023 to fund several air quality improvement programs. They include the Carl Moyer Program, widely used by the agricultural community, and the Alternative and Renewable Fuel and Vehicle Technology Programs. **SB 11** (Anthony Cannella, R-Ceres and Fran Pavley (D-Agoura Hills) is basically the same bill and was sent to the Assembly floor. Farm Bureau supports.

AB 263 (Roger Hernandez, D-West Covina) would forbid employers from engaging in a series of “unfair immigration-related practices”. This includes requesting more immigration documents than required under federal law, using E-Verify in a manner not required by federal law and threatening to contact immigration authorities. Farm Bureau and other business groups lifted opposition on the basis of amendments accepted by the author substantially reducing the possible penalties for the unfair immigration-related practices prohibited by the bill.

AB 1165 (Nancy Skinner, D-Berkeley) would change current law so that abatement of a serious, willful, or repeated violation of a Cal/OSHA standard, or a failure to abate a prior violation cannot be delayed by an appeal of the citation by the employer. Farm Bureau and other employer groups are opposed.

AB 199 (Chris Holden, D-Pasadena) would encourage state institutions to purchase California grown agricultural products. Originally, the bill would have required state institutions to purchase California grown agricultural products as long as the price was within five percent of out of state agricultural products. However, state institutions raised concerns in the Assembly Appropriations Committee and the bill was narrowed to only require the purchase, to the extent possible. Farm Bureau supports.

AB 763 by **Joan Buchanan (D-Alamo)** will designate the Department of Boating and Waterways as the lead agency to work in cooperation with other agencies for the control of invasive aquatic plants in the Sacramento-San Joaquin Delta. Early detection and rapid response is essential for the treatment, control and eventual eradication of any invasive species. Aggressive aquatic plants have already greatly impacted the health of this important water system. The recent amendments provided clear policy that will give the Department of Boating and Waterways the necessary authority to prevent further damaging spread of invasive aquatic plants in the Delta, its tributaries and the Suisun Marsh. Farm Bureau supports.

AB 904 (**Wes Chesbro, D-Arcata**) would create a Working Forest Management Plan, allowing timber landowners with up to 15,000 acres the ability to create a long term management plan. In return for giving up their right to use even-aged timber management they would be able to harvest without going through the timber harvest permitting process. This program would be similar to the existing Non-Industrial Timber Management Plan for timber landowners with less than 2,500 acres. Farm Bureau supports.

AB 909 (**Adam Gray, D-Merced**) would create a Metal Theft Task Force Program at the Department of Justice, which, when funded, would provide grants to local law enforcement and district attorneys to focus on metal theft and recycling crimes. Farm Bureau is the sponsor of AB 909.

AB 1213 (**Richard Bloom, D-Santa Monica**) would ban trapping bobcats around Joshua Tree National Park. In addition to the trapping ban around Joshua Tree, it would 1) require the Fish and Game Commission to ban trapping of bobcats in and around state and national parks, monuments or preserves, national wildlife refuges, and other conservation areas; 2) prohibit trapping on private land without the express written consent of the landowner; and 3) require that trapping license fees fully cover the costs the Department of Fish and Wildlife incurs relative to bobcat trapping. The bill would still allow trapping of bobcats damaging crops and property in any areas where trapping is otherwise banned. Farm Bureau opposes.

AB 793 (**Adam Gray-D, Merced**) allows Merced Irrigation District (MID) to calculate its renewable energy needs in a manner that accounts for its ownership of New Exchequer Dam hydroelectric generation. The bill provides that MID is not required to procure additional renewable energy if the portion of its retail sales supplied by its own large hydroelectric generation exceeds the applicable renewable target. **SB 591** (**Anthony Canella-R, Ceres**), the companion legislation on the Senate side, would accomplish the same result for MID. It was approved by the Assembly 60-0 vote and then sent to the Senate for concurrence on Assembly amendments. The Assembly amendments were concurred by the Senate 37-0 vote and SB 591 will now go to the Governor for his consideration. Both bills have continued to be amended to ensure that there is no doubt the legislation only applies to the MID facility. CFBF is in support.

AB 10 by **Assembly Member Luis Alejo (D-Salinas)** will increase the California minimum wage to \$10 on January 1, 2018. AB 10 was removed from the Senate appropriations suspense file and re-referred to the Senate Rules committee instead of the Senate floor. The Department of Finance had previously indicated that passage of AB 10 would incur significant enforcement costs to the Department of Industrial Relations and significant salary and employment tax costs to the state government as a whole. Farm Bureau is opposed.

SB 753 (Darrell Steinberg, D-Sacramento) that increases enforcement authority for the Central Valley Flood Protection Board was approved by the Assembly along party lines on a 52-25 vote. The measure would grant additional enforcement authority to the Central Valley Flood Protection Board, including cease and desist and fine authority. Farm Bureau worked with the Flood Protection Board and the author to define a clear path early in the informal phase of the enforcement process to allow a landowner to fix any encroachment violations prior to the Flood Board imposing penalties. This path includes a well defined structure for penalty actions and amounts and a fair and reasonable process to address the removal of existing lawful encroachment permits approved by the Flood Board, as opposed to “illegal encroachments.” With earlier amendments Farm Bureau removed opposition.

AB 1331 (Committee on Water, Parks and Wildlife) was amended this week to modify the \$11.14 billion Safe, Clean, and Reliable Drinking Water Supply Act of 2014 (Water Bond). The Climate Change Response for Clean and Safe Drinking Water Act of 2014 (AB 1331) would authorize the issuance of \$6.5 billion in general obligation bonds in five separate categories. Four of the five categories would require legislative authority to appropriate the funds. The fifth category, water storage funding, would be continuously appropriated. The five categories include \$1 billion for Water Quality and Clean and Safe Drinking Water, \$1.5 billion for Protecting Rivers, Lakes, Streams and Watersheds, \$1.5 billion for Climate Change Preparedness for Regional Security, \$1 billion for Delta Sustainability, and \$1.5 billion continuously appropriated for Water Storage for Climate Change. Farm Bureau is actively engaged in the process and is emphasizing the need for increased water storage, area of origin water rights protections, continuous appropriation for water storage dollars and we are highlighting farmers continued actions to implement even more efficient use of water in recent years. Farm Bureau has a support position for the current water bond as approved in 2009 and will continue to monitor this and all efforts to impact the size and structure of the water bond.

The Water Parks and Wildlife Committee’s webpage will be updated regularly at: <http://awpw.assembly.ca.gov/waterbond>. The Committee also has established a Twitter handle, which can be found at: <https://twitter.com/AssemblyWPW>.

SB 168 (Bill Monning, D-Carmel) seeks to end the practice of subsequent “sham” formation of Farm Labor Contractor businesses in order to deprive workers of their rightful wages. Farm Bureau and other agricultural groups were initially opposed, but have since lifted opposition after the author accepted amendments addressing Farm Bureau’s concerns. The Senate concurred in those amendments on August 30 and SB 168 now goes to the governor for his consideration.