



May 26, 2017

The legislature reached an important fiscal deadline today regarding bills with state costs. The Senate and Assembly Appropriations Committees either approved bills to continue through the legislative process for floor votes next week in their respective houses or held them. The status of the bills of importance to agriculture that were acted upon by the two fiscal committees are listed below.

### **Approved:**

#### **Climate Change:**

[AB 151](#) (Autumn Burke, D-Inglewood and Jim Cooper, D-Elk Grove) adds legislative oversight into the implementation of the state's greenhouse gas (GHG) program, including more input on the development of offset credits and a report from CARB that addresses the need for increased education and workforce development to prepare workers with the emerging GHG technology. While there are many more details to work out, Farm Bureau and many agriculture, labor and business groups support AB 151 in concept.

[AB 378](#) (Christine Garcia, D-Bell Gardens) is the alternative to AB 151 (Burke and Cooper) that extends the cap-and-trade program to 2030 but includes draconian measures that would severely impact the state's current greenhouse gas (GHG) and air quality programs. Amendments were announced but are yet in print. Farm Bureau and many agriculture, labor and business groups oppose.

#### **Commodities:**

[AB 822](#) (Anna Caballero, D-Salina) would require state agencies and institutions to purchase California grown agricultural products so long as the price is no more than five percent higher than outside products. School districts would be required to purchase California grown products so long as they didn't cost any more than outside products. Farm Bureau is sponsoring AB 822.

[SB 730](#) (Richard Pan, D-Sacramento) requires the Department of Education to enforce the federal requirements that schools purchase American food products for school meals. In addition, the bill also requires schools to notify the public when they use the limited exemptions allowing purchases of foreign food. Farm Bureau supports.

#### **Energy:**

[AB 920](#) (Cecilia Aguiar-Curry, D-Napa) addresses baseload electric generation facilities (biomass and geothermal). It requires the California Public Utilities Commission to determine what types of generation resources investor owned utilities are required to procure. CFBF supports.

**Environment:**

[SB 49](#) (Kevin De Leon, D-Los Angeles and Henry Stern, D-Canoga Park) would require California to enforce the federal Clean Air Act, Clean Water Act, Endangered Species Act (ESA), and their implementing regulations and policies as were in place on January 1, 2016 or January 1, 2017, whichever version is the most stringent. Additionally, the bill would create a private right of action in state law for citizen enforcement of the Clean Air Act, Clean Water Act, and ESA if the citizen suit provisions are removed from these federal laws. Farm Bureau opposes.

**Labor:**

[AB 450](#) (David Chiu, D-San Francisco) requires employers to demand search warrants for ICE enforcement and to notify the Labor Commissioner and employees and their representatives about ICE enforcement and its results. Penalties for violations would range from \$10,000 to \$25,000 per violation. Farm Bureau opposes.

[AB 1008](#) (Kevin McCarty, D-Sacramento) restricts employers' efforts to ascertain a job applicant's past criminal history and elect to not hire the applicant due to that history. Farm Bureau opposes.

[AB 1066](#) (Cecilia Aguiar-Curry, D-Napa) would expand the definition of demolition projects to include tree removal for the purposes of paying prevailing wage. This change would mean any government project or state funded project removing trees would now require employees on the project to be paid prevailing wage. Farm Bureau is opposed unless the bill is amended to eliminate the prevailing wage requirement on private lands when using state grant funds.

[AB 1209](#) (Lorena Gonzalez-Fletcher, D-San Diego) would require employers to collect and publish on its website broad information concerning the compensation of male employees and female employees in equivalent job classifications and titles. Farm Bureau opposes.

[SB 63](#) (Hannah-Beth Jackson, D-Santa Barbara) requires an employer with 20 or more employees within a 75-mile radius to provide 12 weeks of protected parental leave to bond with a new child after that child's birth, adoption or foster care placement. Farm Bureau opposes.

[SB 562](#) (Ricardo Lara, D-Bell Gardens) would create a state-operated single-payer universal health insurance program intended to provide health care to all California residents. SB 562 includes no mechanism to pay for this program. Farm Bureau opposes.

**Land Use:**

[SB 50](#) (Ben Allen, D-Santa Monica) would prohibit the filing or recording of a deed for property sold by the federal government unless the State Lands Commission was provided the right of first refusal to purchase the land or the right to arrange for the transfer of property to another entity. Anyone who files or records a deed in violation of this would be subject to civil penalties. Farm Bureau opposes.

**Natural Resources:**

[AB 425](#) (Anna Caballero, D-Salinas) continues the efforts started earlier by other legislative members exempting forest fuel reduction projects meeting specified requirements from the requirement to obtain a Timber Harvest Permit. This bill would allow road building under specified conditions when using the exemption for fuel reduction projects. Farm Bureau supports AB 425.

[SB 473](#) (Bob Hertzberg, D-Los Angeles) would make several changes to the California Endangered Species Act (CESA). The changes include both positive and negative adjustments to the effects CESA

has on Farm Bureau members. Farm Bureau is working with the author to narrow the potential harms created by the bill while expanding the potential positive aspects of the bill.

**Water:**

[AB 313](#) (Adam Gray, D-Merced) would establish a division of water rights within the Office of Administrative Hearings (OAH). Complaints against persons violating provisions of their water diversions would be heard by an administrative law judge in OAH, however decisions would not be final until accepted by the executive director of the State Water Resources Control Board. Farm Bureau supports.

[AB 589](#) (Frank Bigelow, R-O'Neals) would authorize those who divert more than 100 acre feet of water per year to certify their water measuring devices are installed and operating properly if they take a course taught by the University of California Cooperative Extension. Current law requires those individuals to have devices installed and certified by an engineer, contractor, or license professional at considerable cost. Farm Bureau supports.

[AB 1420](#) (Cecilia Aguiar-Curry, D-Winters) would streamline the State Water Resources Control Board permitting process for farmers applying to divert water into a small irrigation pond. The measure would require the State Water Board to give priority to adopting general conditions for water diversions to small irrigation ponds during periods of high streamflow in exchange for reduced diversions during periods of low streamflow. Additionally, AB 1420 exempts registrations from the lake or streambed alteration program if the Department of Fish and Wildlife has provided conditions on the approved registration. Farm Bureau supports.

[AB 1667](#) (Laura Friedman, D-Glendale) would increase agricultural water management planning requirements beyond those imposed last year by the Governor's Executive Order B-37-16. A large agricultural coalition offered significant amendments to the author that appear to have been accepted by the author this week. Farm Bureau remains opposed until the amendments are in print.

[SB 252](#) (Bill Dodd, D-Napa) would require new water well permit applicants in critically over drafted groundwater basins to provide their application information to neighbors. It would require cities and counties overlying critically over drafted basins to publicly notice new well permit applications and require these cities and counties to make specific new well permit information available to groundwater sustainability agencies. Farm Bureau and other agricultural organizations oppose the measure as written.

[SB 623](#) (Bill Monning, D-Carmel) would establish the Safe and Affordable Drinking Water Fund and insure that monies in the fund are continuously appropriated to the State Water Resources Control Board to provide water to those whose drinking water exceeds the standard for nitrates. The measure has yet to identify a funding source for the Safe and Affordable Drinking Water Fund.

**Not Approved/ Two-year Bill:**

**Energy:**

[SB 370](#) (Robert M. Hertzberg, D-Van Nuys) addresses efficiency improvements for agricultural equipment and industrial facilities, seeking to provide certainty about measurement of the performance of the improvements that have been made. CFBF supports.

**Taxes:**

[AB 832](#) (Cecilia Aguiar-Curry, D-Napa) would have allowed a Personal Income Tax and Corporation Tax credit, for taxable years 2018 through 2021, equal to 40% of costs paid or incurred to maintain winter-flooded rice, which is defined as the intentional flooding of a California rice field that has been farmed to

rice at least two of the last three growing seasons and is maintained in a flooded state during a specified period. Farm Bureau supported.

**Water:**

[AB 947](#) (James Gallagher, R-Yuba City) would clarify that “streambed, bank, or channel” only means the land containing the river, stream, or lake during its ordinary course. This change would narrow when a streambed alteration agreement would be required to activities only in the bed, bank, or channel rather than the entire floodplain. This Farm Bureau sponsored measure is now a two-year bill.

[AB 1427](#) (Susan Eggman, D-Stockton) would declare that the diversion of surface water to groundwater storage would constitute a beneficial use of water. AB 1427 would provide that the five-year forfeiture period of a water right does not apply to water stored underground for later beneficial use. Farm Bureau is working with the author and others on language that would facilitate surface water diversions during periods of high streamflow for groundwater recharge, while protecting downstream water rights. The measure is now a two-year bill.

These are bills of importance that are already on their respective floor awaiting a full vote of the house or were acted on by an Appropriations Committee but were not a part of the determinations based on state costs.

**Natural Resources:**

[AB 1133](#) (Brian Dahle, R-Bieber) allows the incidental take of species listed as experimental populations under the federal ESA and listed under CESA if federal regulations are in place that allow incidental take under federal law. This bill is being considered to address concerns surrounding the planned introduction of Winter-run Chinook Salmon in the McCloud River. Farm Bureau is supportive of the concept of granting state experimental population designations, but is working with the author and Department of Fish and Wildlife on amendments to ensure other permits and agreements aren’t affected by introduction of an experimental population. The Assembly Appropriations Committee approved AB 1133 on a 17-0 vote.

**Water:**

[AB 975](#) (Laura Friedman, D-Glendale) would expand the extraordinary values, such as scenic, recreational, fishery, wildlife, historical, cultural, geological, ecological, hydrological, botanical, or other similar values to preserve rivers in their free-flowing state designated as wild and scenic under the California Wild and Scenic Rivers Act. The measure was amended this week with three minor amendments deleting values the author sought to add that are not currently in federal law. The measure is expected to be brought up for a vote next week by the full Assembly. Farm Bureau opposes.