



CALIFORNIA FARM BUREAU FEDERATION

FRIDAY REVIEW

LEGISLATIVE AND GOVERNMENTAL UPDATE

May 3, 2013

Three study bills that will examine the size and structure the Safe, Clean, and Reliable Drinking Water Supply Act of 2012 were heard in the Assembly Water, Parks and Wildlife Committee this week. This week's committee hearing included a special order of business on [AB 142](#) (Henry Perea, D-Fresno), [AB 295](#) (Rudy Salas Jr., D-Bakersfield) and [AB 1331](#) (Assembly Water, Parks and Wildlife Committee). All three are now committee bills as opposed to being authored by an Assemblymember. These bills require a report on the need for bond funding for water infrastructure, safe drinking water, the Delta ecosystem and watersheds and therefore lack detailed language at this time. Farm Bureau gave testimony emphasizing the need for increased water storage and 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. All three measures passed out of the committee on party lines and will next be heard in the Assembly Appropriations Committee.

A measure that would provide additional recycled water for agricultural irrigation was scheduled to be heard in the Assembly Environmental Safety and Toxic Materials Committee this week. [AB 1200](#) (Marc Levine, D-San Rafael) would provide additional water security in the Los Carneros winegrape growing regions of Sonoma and Napa valley's by authorizing a pilot project that facilitates the use of high quality recycled water for agricultural irrigation purposes. The measure passed out of the committee on consent. Farm Bureau supports.

Assembly Member Nancy Skinner (D-Berkeley) has reconsidered amendments to her [AB 769](#) that would have repealed the sales and use tax exemption on food for human consumption when prepared at home, the exemption on feed, seed and fertilizer used to produce food for human consumption and the partial sales and use tax exemption on farm equipment, machinery, and diesel fuel. Farm Bureau and a large coalition of agricultural organizations and food processors opposed the measure prior to April 23rd amendments that removed the automatic repeal of the exemptions as of June 20, 2017.

A controversial California Environmental Quality Act (CEQA) bill was approved by the Assembly Natural Resources Committee after the author committed to making it a two-year bill. [AB 823](#) (Susan Eggman, D-Stockton) would require lead agencies that review a project involving the conversion of agricultural land to require all feasible mitigation of the identified significant environmental impacts associated with the conversion. The bill would also provide statutory clarification that the use of a permanent conservation easement qualifies as feasible mitigation for the farmland conversion impacts of a development project. Farm Bureau has been working closely with the author, who serves as Chair of the Assembly Agriculture Committee, to address several concerns with the bill as originally introduced and as recently amended on April 23rd. Although Farm Bureau did not take a formal position on the bill,

we did encourage the author to take a more deliberate approach to changing this important area of law. We look forward to continuing to work with Assembly Member Eggman during the interim period, September to January, to implement our policy as it relates to protecting farmland under CEQA. The bill was approved by the Assembly Ag Committee on a vote of 6 to 3. The roll call on AB 823 was as follows: "AYES:" Chesbro, Garcia, Muratsuchi, Skinner, Stone, and Williams; "NOES:" Grove, Bigelow, and Patterson.

AB 203 (Mark Stone, D-Santa Cruz) that would allow Coastal Commission staff to stop a permit application for an alleged outstanding permit violation was approved by the Assembly Appropriations Committee. According to commission staff, there would be potential annual special fund savings in the range of \$50,000 to \$100,000, from avoided enforcement proceedings. What was not considered was the potential for very lengthy delays in the permit application project over disputes of fact that may require resolution in Superior Court. The bill would also give the commission staff new leverage to extract concessions from permit applicants even when the permit application is completely unrelated to an alleged violation. Farm Bureau remains opposed to AB 203 that now moves to the Assembly Floor.

The Assembly Labor & Employment Committee approved AB 1164 (Bonnie Lowenthal, D-Long Beach) that allows any employee, employee representative, or the Labor Commissioner to file "super priority liens" on an employer's real property or any property where an employee "bestowed labor" for an alleged but unproven wage claim. This would greatly complicate commercial and personal real estate transactions because AB 1164 would allow a wage lien to take precedence over almost all other liens or judgments.

Labor & Employment Committee members expressed reservations about the wisdom of the "super lien" concept, and the bill was opposed by a large business community coalition. Before committee passage, Assembly Member Lowenthal expressed a desire to discuss the business community's concerns with her bill. Farm Bureau and a large portion of the business community oppose this bill.

SB 507 (Anthony Cannella, R-Ceres) would add arson at an animal feeding operation or livestock sales-yard causing more than \$100,000 in damages to the list of aggravating factors for the crime of aggravated arson. This bill is being co-sponsored by the California Cattlemen's Association and Western United Dairywomen after an identical bill failed last year. The Senate Public Safety Committee heard SB 507 this week where it failed on a party line vote of 2-5. Farm Bureau supported SB 507.

AB 1213 (Richard Bloom, D-Santa Monica) that would create a de facto ban on the trapping and sale of bobcats in California was heard by the Assembly Water, Parks, and Wildlife Committee this week. The bill originally banned the trapping and sale of bobcats. However when the bill was first presented last month, members of the Committee expressed concern with a total ban and asked the author to work with opponents to create a state management plan for bobcats and consider buffer zones around National Parks and other public lands where trapping would be prohibited. The author chose not to work with opponents and instead developed amendments that would require the Department of Fish and Wildlife to undertake an incredibly comprehensive population study and the Fish and Game Commission to adopt regulations regarding bobcat trapping based on the study results. If the study and regulations are not completed by July 1, 2015, then all trapping would be prohibited. The study costs are to be funded through trapping license fees. No one expects the Department and Commission to be able to meet the timelines required by the bill, which means bobcat trapping would be prohibited in the state in 2015.

The bill does allow for bobcats to be trapped with a depredation permit; however depredation permits are not currently required for bobcats. Farm Bureau is opposed to this bill due to potential impacts on

the ability to control bobcats threatening livestock and poultry and due to the priority the Department is being asked to give to bobcats when there are so many other species and issues legitimately needing the Department's attention. The bill passed out of committee on a party line vote of 9-5, with Assemblymember Gray abstaining.

AB 350 (Bob Wieckowski, D-Fremont) would expand the exemption that allows small timber to be harvested without a Timber Harvest Plan for fuel reduction purposes. Current law allows trees less than 18-inches in stump diameter and up to 24-inches, to be harvested in some circumstances and this bill would expand those measurements to 28-inches and up to 34-inches. The Assembly Natural Resources Committee heard AB 350 this week where it failed to pass. The final vote was 3-1; however the bill needed five votes to pass. The Chair of the Committee, Assemblymember Chesbro, expressed significant concern with the fact that the bill did not originate from the forestry working group that was created last year to try to streamline timber harvesting regulations. The bill was granted reconsideration to allow the working group to discuss the concept. Farm Bureau supports AB 350.

AB 224 (Richard Gordon, D-Menlo Park) would define different types of community supported agriculture (CSA) programs and creates a new system for regulating CSAs in California to provide a system of compliance with state and local food safety requirements. The provisions of the bill came from recommendations developed by CDFAs' Direct Marketing Ad Hoc Committee. The Assembly Agriculture Committee approved AB 224 on a 7-0 vote. Farm Bureau supports.

AB 199 (Chris Holden, D-Pasadena) that would require state institutions to purchase California grown agricultural products so long as the price is within five percent of out-of-state products was heard by the Assembly Appropriations Committee. The bill also requires California schools to purchase California grown agricultural products so long as the price is no higher than out-of-state products. The Committee placed AB 199 on its suspense file due to potential state costs imposed by the bill. The Appropriations Committee will take up its suspense file the week of May 20th. Farm Bureau supports.

SB 749 (Lois Wolk, D-Vacaville) 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 requires that lease revenues generated from agricultural leases on lands owned by the Department of Fish and Wildlife be used to support the maintenance and operations of the lands from where the monies were originally collected. It also clarifies when the administrative record is closed for purposes of listing species under CESA. The Senate Appropriations Committee placed SB 749 on its suspense file this week due to costs associated with a number of provisions of the bill. This bill is co-sponsored by Farm Bureau, the California Cattlemen's Association, and the California Waterfowl Association. The Appropriations Committee will take up its suspense file the week of May 20th.

SB 43 (Lois Wolk, D-Vacaville) is a reformulation of the Senator's bill from last session to establish a Shared Renewable Program, allowing developers of renewable energy to sell electricity directly to utility customers. The program would be in addition to the renewable energy the utilities are mandated by state law to purchase. The Senate Energy, Utilities and Communications Committee (of which Wolk is a member) barely approved it on a 6-4 vote. CFBF has an opposed unless amended position because of the likely impacts of the 500 MW program to farmland and to ratepayers who do not participate in the program. The bill allows for projects up to 20 MW in size to be built out under the program. Although impacts to prime farmland are called out in the measure, the provision has no substance as it provides no additional protections. SB 43 as drafted will shift costs from program participants to nonparticipating ratepayers and merely directs the CPUC to allocate the costs appropriately. There is significant opposition to the bill because of the cost shifting impacts and other provisions. Senator Wolk committed

to working on elements of the bill to which there is opposition. It was referred to the Rules Committee for direction for where it will be heard next.

AB 1014 (Das Williams, D-Santa Barbara) like Wolk's SB 43, addresses the apparently large pent up demand for electric ratepayers to exercise greater control over the type of electrons they buy and select of renewable energy. The Assembly Utilities and Commerce Committee approved it on a 11-0 vote with Gorell, Patterson, Jones and Chavez not voting. CFBF has an opposed unless amended position on the bill, which will likely remain intact despite the significant amendments taken during the hearing. The bill was amended to adopt the framework of a settlement reached in a PG&E proceeding at the Public Utilities Commission, which would allow PG&E to procure up to 250 MW of renewable energy to market to customers who want to be assured they are being served with substantially more renewable energy than the utility procures. It would likely be solar projects that are predominantly procured. CFBF has identified significant shortcomings with that settlement, including the likelihood of costs of the program being shifted to nonparticipants in the program and additional impacts from large solar developments to farmland. This program would also be in addition to the renewable energy the utilities are mandated by state law to purchase. The bill next goes to the Assembly Appropriations Committee.

AB 31 (Richard Pan, D-Sacramento) dealing with milk pool pricing, was amended and passed out of Assembly Agriculture Committee on May 1. The committee chair urged both parties to come to an agreement on the language in the bill before it moves over to the Senate at the end of the month. The original language in the bill that established a formula for determining the whey value factor in the class 4b price under the State's milk marketing order was removed and replaced with intent language to allow all parties to continue discussions on the bill. Farm Bureau supports.