



May 31, 2013

**Today was the deadline for having all bills move out of their respective houses of origin.** The following bills were approved by the Assembly and now move to the Senate for further deliberation:

**AB 199** (Chris Holden, D-Pasadena) was amended by the Appropriations Committee and now only encourages state institutions to purchase California grown agricultural products. Previously the bill required state institutions to purchase California grown agricultural products so long as the price was no more than five percent higher. AB 199 was approved by the Assembly 77-0. Farm Bureau supports.

**AB 224** (Richard Gordon, D-Menlo Park) creates a new system for regulating CSAs in California to provide a system of compliance with state and local food safety requirements. It also defines different types of community supported agriculture (CSA) programs and requires CSA farms to register with the California Department of Food and Agriculture. AB 224 was approved by the Assembly 76-0. Farm Bureau supports.

**AB 909** (Adam Gray, D-Merced) creates a Metal Theft Task Force Program at the Board of State and Community Corrections. If funded, this program would provide grants to local law enforcement and district attorneys to focus on metal theft and recycling crimes. Farm Bureau is sponsoring AB 909 that was approved by the Assembly 77-1.

**AB 924** (Frank Bigelow, R-O'Neals) increases the fines for individuals convicted of livestock theft to \$5,000, and provides those fines to CDFA's Bureau of Livestock Identification for investigation of future cases of livestock theft. AB 924 was approved by the Assembly 77-0. Farm Bureau supports.

**AB 933** (Nancy Skinner, D-Berkley) allows distilled spirit and brandy manufacturers to provide tastings of their products so long as certain guidelines are followed. AB 933 was approved by the Assembly 76-0. Farm Bureau supports.

**AB 1213** (Richard Bloom, D-Santa Monica) was significantly amended by the Assembly Appropriations Committee to delete the requirement for the Department of Fish and Wildlife (Department) to conduct a study of bobcats by 2015 or else ban trapping. The bill now bans trapping bobcats around Joshua Tree National Park. Additionally, 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 incurs relative to bobcat trapping. AB 1213 would still allow trapping of bobcats damaging crops and property in any areas where trapping is otherwise banned. Farm Bureau appreciates the significant amendments the author took, however concern remains and we are asking for technical

amendments to ensure there are no unintended consequences. AB 1213 was approved by the Assembly 51-24. Farm Bureau opposes.

**AB 1014** (Das Williams, D-Santa Barbara) authorizes a utility to submit a proposal to the California Public Utilities Commission for a green tariff shared renewable program for utility ratepayers. The program would allow customers to designate that they be served by only renewable sources of generation, rather than the general mix of resources. The elements of the legislation are structured after a pending settlement at the CPUC for a PG&E program, to which CFBF has recommended significant revisions. AB 1014 would allow up to 600 MW of renewable energy for statewide programs to be additional to the utilities' requirements under the Renewable Portfolio Standard. The bill would allow facilities up to 20 MW in size under the program. Although there is intent language in the bill addressing prime farmland, it does not adequately account for the negative impacts from the additional large solar projects that would be allowed under the program. In addition the utility would only have to submit the program for consideration through an "Advice Letter" process, which is afforded a much less detailed review than an "Application" process that would typically be required for a new rate program as proposed. AB 1014 was approved by the Assembly 55 to 17. Farm Bureau opposes.

**AB 10** (Luis Alejo, D-Salinas) will raise the state's minimum wage to \$8.25 per hour on January 1, 2014; to \$8.75 on January 1, 2015; and to \$9.25 on January 1, 2016. Beginning on January 1, 2017, AB 10 will index the minimum wage to the California Consumer Price Index, and prohibits any future reduction in the minimum wage should consumer prices go down rather than up. AB 10 was approved by the Assembly 45-27. Farm Bureau opposes.

**AB 263** (Roger Hernandez, D-West Covina) imposes new penalties for employers for committing a series of "unfair immigration-related practices". It 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. Employers would be punished for infractions with a requirement that state courts permanently revoke all licenses possessed by the business for second or subsequent violations of "unfair immigration-related practices," causing all that business' employees to lose their jobs. AB 263 was approved by the Assembly 52-23. Farm Bureau opposes.

**AB 1165** (Nancy Skinner, D-Berkeley) changes 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. AB 1165 was approved by the Assembly 47-19. Farm Bureau opposes.

**AB 793** (Adam Gray, D-Merced) allows Merced Irrigation District 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. AB 793 was approved by the Assembly 65-4. 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 Senate 39-0. Farm Bureau supports both bills.

**AB 976** (Toni Atkins, D-San Diego) that would grant the California Coastal Commission administrative fine authority was approved by the Assembly. The bill was sent to the Senate on a vote of 42 to 24. The bill was amended on May 28<sup>th</sup> to require any funds derived from penalties associated with a violation of the Coastal Act to be deposited in the Violation Remediation Account of the Coastal Conservancy Fund and require a three year self-repealing "sunset" provision. Farm Bureau remains

opposed to AB 976 due to the lack of due process protections for landowners and commission's long history of abusing its authority. Under current law, civil penalties must be imposed by a Superior Court judge and they can range from \$500 and \$30,000 and between \$1,000 and \$15,000 per day in which the violation persists. AB 976 would cap the Commission's administrative fines at 75 percent of court imposed penalties and no civil penalties may be imposed for the same offense if administrative fines were previously levied.

**Several bills in the Assembly did not make it out of the lower house by today's deadline including:**

**AB 203** (Mark Stone, D-Santa Cruz) which would have allowed the Coastal Commission to stop processing a permit application if it asserts that a Coastal Act violation exists on the property, was moved to the Inactive File on the Assembly Floor. Due to the legislative deadline to pass bills out of their house of origin by May 31<sup>st</sup>, this procedural maneuver means that AB 203 is now a two-year bill and cannot be considered again until next January.

**We would like to thank all of the Farm Team members who responded to our action requests on both of the Coastal Commission measures above.** Nearly 500 messages were sent to legislators on **AB 203** and 283 messages were sent on **AB 976**.

**AB 31** (Richard Pan, D- Sacramento) that deals with milk pool pricing was not heard before the fiscal deadline in the Assembly Appropriations Committee. The bill was made a two-year bill to allow the impacted parties to continue discussions. 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 pool was removed and replaced with legislative intent language. Farm Bureau supports.

**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. No floor vote was taken on AB 8 this week, but since it has an urgency clause, it can be taken up at a later date. It remains on the Assembly Floor file. Farm Bureau supports.

**The following bills were approved by the Senate and now move to the Assembly for further deliberation:**

**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 approved by the Senate 26-13. Farm Bureau opposes.

**SB 485** (Ronald Calderon, D-Montebello) gives County Agricultural Commissioners and Sealers the authority to inspect the records of junk dealers and recyclers and issue citations if they are found to be in violation of the law. It also allows additional fees 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. SB 485 was approved by the Senate 39-0. Farm Bureau supports.

**SB 749** (Lois Wolk, D-Vallejo) extends 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 would require 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 moneys were originally collected. It also clarifies when the administrative record is closed for purposes of listing species under CESA. SB 749 was approved by the Senate 39-0. This bill is co-sponsored by Farm Bureau, the California Cattlemen's Association, and the California Waterfowl Association.

**SB 757** (Tom Berryhill, R-Modesto) clarifies that junk dealers and recyclers are not secondhand dealers. Senator Berryhill plans to amend SB 757 to include improvements to the current record keeping and payment requirements for junk dealers and recyclers that were put in place by his AB 844 in 2008. Potential improvements are being discussed by stakeholders including Farm Bureau. SB 757 was approved by the Senate 36-1. Farm Bureau supports.

**SB 11** (Fran Pavley, D-Agoura Hills and Anthony Cannella, R-Ceres) 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 was approved 32-5. Farm Bureau supports.

**SB 25** (President ProTem Darrell Steinberg, D-Sacramento) expands mandatory mediation from labor agreement negotiations where the parties cannot reach agreement to all future negotiations. It imposes unionization on unsuspecting agricultural employees years or even decades after an initial vote certification and could create the situation that the newly unionized employees never voted for the union. SB 25 was approved by the Senate 23-10 on May 6<sup>th</sup>. It is scheduled for a hearing in the Assembly Labor & Employment Committee on June 12.