



March 6, 2015

Water:

Farm Bureau is sponsoring a measure to streamline permitting of small on-farm irrigation ponds. [AB 1244](#) (Adam Gray, D-Merced) would facilitate farmers' ability to construct small on-farm ponds to accommodate water storage during periods of excess flows for irrigation purposes during dry periods. This measure expands the State Water Resources Control Board's ability to expedite permitting of small (25 acre feet or less) on farm water storage. This measure would address significant financial and bureaucratic impediments to developing such projects. In 2011, AB 964 was enacted to address this situation with a focus on the north coast region. AB 1244 would afford farmers in other regions of the state the same opportunities.

A measure introduced this past week to improve our groundwater adjudication system will address one of the issues left undone in the package of three groundwater bills that were enacted last year. [AB 1390](#) (Luis Alejo, D-Watsonville) would make our groundwater rights adjudication system more efficient while working in conjunction with the Sustainable Groundwater Management Act (SGMA). The bill has 16 coauthors from both parties and both houses of the Legislature.

AB 1390 is focused on procedural matters and does not address any substantive principles of water law or local groundwater planning under the SGMA. Key provisions of this measure include:

- Clarifying the court procedures applicable to comprehensive groundwater adjudications in order to reduce the time and improve the efficiency of these actions. This does not mean groundwater adjudications will be fast and simple, but that the process will be significantly more efficient.
- Encouraging early settlement and avoiding unduly disruption of local groundwater planning efforts.
- Addressing the designation of adjudication actions as complex, phasing of the litigation, efficient identification of groundwater basin boundaries and assistance to the court of a special master, among other changes.
- Additionally, AB 1390 improves the process by providing a preliminary hearing to ensure that a comprehensive adjudication of groundwater rights is appropriate, clear rules on proper service of process to all overlying landowners and early disclosures of groundwater use.

[SB 20](#) (Fran Pavley, D-Agoura Hills) would make well construction reports, including altered, abandoned, or destroyed well reports (well logs) available to the public. Well logs are already required to be submitted to the Department of Water Resources and are available to the appropriate public agencies. For example, groundwater management agencies already have access and utilize this information to better manage their groundwater locally. With the passage of the Sustainable Groundwater Management Act (SGMA) last year this bill is unnecessary and impedes local groundwater management agencies ability to implement the SGMA. Farm Bureau opposes.

Fifteen groundwater bills have been introduced with limited language and details at this time. Ten Assembly and five Senate spot bills have been introduced to address groundwater issues in one way or another, or as clean up legislation for the Sustainable Groundwater Management Act (SGMA) that was enacted last year. Farm Bureau will closely monitor these measures, actively engage as warranted and report out as they develop with substantive language.

Three measures have been introduced that would designate groundwater recharge as a beneficial use of water. The State Water Resources Control Board defines beneficial use of water to include domestic use, irrigation, power generation and municipal and industrial use. These bills would allow water rights to include groundwater recharge as a beneficial use which is an important change to state law. [AB 647](#) (Susan Eggman, D-Stockton), [AB 937](#) (Rudy Salas, D-Bakersfield) and [AB 228](#) (Anthony Cannella, R-Ceres) would address the issue. Farm Bureau continues to work with these authors to find a solution for additional groundwater recharge while protecting all water rights, junior and senior.

[SB 471](#) (Fran Pavley, D-Agoura Hills) Twenty percent of the Greenhouse Gas Reduction Fund is allocated to the Affordable Housing and Sustainable Communities Program administered by the Strategic Growth Council. The council would need to give special consideration to awarding funds to eligible projects that would also result in reduced energy use by a water supplier and/or an end user of water. Reducing energy used to acquire, transport, treat, or distribute water would be added as a goal for Integrated Regional Water Management projects or programs. Prop 1 authorizes the use of \$100,000,000 for certain water conservation and water-use efficiency plans, projects, and programs. Special consideration would need to be given to these expenditures, grants, and loans that would result in reduced energy use by the water supplier and/or end user of the water.

Climate Change:

[AB 21](#) (Henry Perea, D-Fresno) includes legislative approval of statewide greenhouse gas (GHG) emission reductions by 1/1/18 that are accomplished in a cost-effective manner and extends the state GHG program until 2030 without identifying a specific required target level of GHG emissions.

[AB 23](#) (Jim Patterson, R-Fresno) removes fuels and natural gas from the state's mandatory greenhouse gas reduction compliance requirements.

[AB 33](#) (Bill Quirk, D-Hayward) Air Resources Board is required by July 1, 2016 to develop three proposals for 2030, 2040 and 2050 that reduce GHG emissions and advise the next Scoping Plan update. They must submit a report of the proposals by January 1, 2017 to the appropriate legislative committees.

[AB 156](#) (Henry Perea, D-Fresno) Current law requires that 25 percent of the available Greenhouse Gas Reduction Fund (\$1 billion) goes to projects that benefit disadvantaged communities with 10 percent being spent directly within these communities. AB 156 will allow technical assistance to be an eligible expenditure to assist disadvantaged communities in proposing projects, but will be in addition to their designated percentage.

[AB 239](#) (James Gallagher, R-Yuba City) After January 1, 2016, the Air Resources Board shall not adopt or amend a regulation pursuant to the state's mandatory greenhouse gas (GHG) program. Allows ARB to submit recommendations to the Legislature on how to achieve GHG reduction goals.

[AB 590](#) (Brian Dahle, R-Bieber) creates the Biomass State Cost Share Account within the Greenhouse Gas Reduction Fund for the purposes of maintaining the current level of biomass power generation in the state and revitalizing currently idle facilities in strategically located regions.

[AB 761](#) (Marc Levine, D-San Rafael) appropriates \$50 million to the California Department of Conservation (DOC) to establish a grant program to fund projects that increase carbon sequestration in agricultural soils, improve soil water retention, and increase the resilience of working lands to climate change and drought. DOC would coordinate with the Department of Resources Recycling and Recovery and the Department of Water Resources to develop and adopt project solicitation and evaluation guidelines for the program.

[AB 777](#) (Matthew Harper, R-Huntington Beach) repeals the California Global Warming Solutions Act of 2006.

[AB 1030](#) (Sebastian Ridley-Thomas, D-Los Angeles) requires that a state agency that allocates moneys from the Greenhouse Gas Reduction Fund prioritize projects that include project labor agreements with targeted hire goals, community workforce agreements that connect local residents to jobs or training opportunities, or partnerships with training entities that have a proven track record of placing disadvantaged workers in career-track jobs.

[AB 1332](#) (Bill Quirk, D-Hayward) Bill Quirk, D-Hayward) requires the Air Resources Board to create an offset protocol for renewable energy projects that are able to ramp up or down during peak energy demands.

[AB 1345](#) (Brian Dahle, R-Bieber) requires the Air Resources Board by January 1, 2017 to estimate the annual greenhouse gas (GHG) emissions and a baseline associated with wildfires in California between the years 1990 and 2015. Annually thereafter, they must approximate the GHG emissions associated with wildfires. Beginning in the 2016-17 fiscal year, \$100 million would be continuously appropriated from the Greenhouse Gas Reduction Fund to the Department of Forestry and Fire Protection for activities that reduce GHG emissions by preventing the incidence of and reducing the intensity of catastrophic wildfires.

[SB 1](#) (Ted Gaines, R-Roseville) removes fuels and natural gas from the state's mandatory greenhouse gas reduction compliance requirements but reinstates a January 1, 2025 compliance obligation with an urgency clause to take effect immediately.

[SB 5](#) (Andy Vidak, R-Hanford) removes fuels and natural gas from the state's mandatory greenhouse gas reduction compliance requirements with an urgency clause to take effect immediately.

[SB 32](#) (Fran Pavley, D-Agoura Hills) will extend the state's mandatory greenhouse gas program (GHG) by codifying a GHG limit of 80% below 1990 levels by 2050 leaving ARB in charge with no legislative approval of how GHG reductions are to be implemented.

[SB 367](#) (Lois Wolk, D-Davis) requires the California Department of Food and Agriculture to develop an environmental farming program that provides incentives, low-interest loans, technical assistance, educational materials and outreach to farmers whose practices promote the well-being of ecosystems. These include air quality, wildlife and their habitat, on-farm greenhouse gas emission reduction or increase carbon storage in agricultural soils and/or woody biomass. It would increase the membership of the existing Scientific Advisory Panel on Environmental Farming and require the panel to provide additional advice and assistance on climate change.

Land Use and Taxation:

[AB 644](#) (Jim Woods, D-Healdsburg) clarifies the provisions of the Subdivision Map Act that prohibits a subdivision in the State Responsibility Area or a very high fire hazard severity zone. Current law requires a finding, based on substantial evidence in the public record, that the subdivision will have structural fire protection and suppression services. AB 644 would allow subdivisions of agricultural and resource management lands provided that there are binding restrictions on the residential development. This measure would lift the current prohibition on Williamson Act and Timber Production Zone lands that might be necessary for land management purposes, not the building of new residences.

[AB 707](#) (Jim Woods, D-Healdsburg) amends the Williamson Act regarding the valuation of land for the purpose of calculating the cancellation penalty fee. The bill relates to an unusual cancellation in Humboldt County where the State Coastal Conservancy funded an acquisition for flood control and habitat purposes. The conservancy sought a waiver of the cancellation penalty fee that is based on the current market value of the parcel. When the Department of Conservation (DOC) objected, the conservancy had an appraisal that valued the land as virtually worthless, due to its use as a flood zone. Then both DOC and the county objected because the conservancy paid \$2 million for the parcel and the county imposed its own penalty fee of 12.5 percent in addition to the state's 12.5 percent penalty. DOC negotiated a settlement with the conservancy that excluded the county and the county wants

to remove that option in the future. Farm Bureau is working with the author's office to remove the likelihood of undesirable consequences when a county does not impose a local penalty fee.

[AB 867](#) (Donald Wagner, R-Irvine) would require the state to provide an automatic full refund to all individuals who have paid a tax that was later declared unconstitutional or illegal. The bill is sponsored by Board of Equalization Member George Runner, and is similar to AB 2510, a bill which died in the Assembly Revenue and Taxation committee in 2014 on a straight party line vote. AB 867 would require the state to issue automatic refunds to taxpayers whose information is up to date. It would also open up a one-year period for additional appeals after a state tax is declared illegal or unconstitutional, giving taxpayers a chance to apply for the refunds they deserve. Farm Bureau supports.

Six bills have been introduced dealing with the highly controversial fire prevention tax that was imposed on homeowners in the State Responsibility Area in 2011. The \$150 per habitable dwelling charge is being challenged by the Howard Jarvis Taxpayers Association in a class action lawsuit in Sacramento's Superior Court because it was labeled a "fee" so it could be passed by a simple majority vote. Not surprisingly, the state is dragging its feet in the litigation so in meantime:

- [AB 203](#) (Jay Obernolte, R-Big Bear Lake) and SB 250 (Ted Gaines, R-Roseville) would extend the time when the charge is due and payable from 30 to 60 days;
- [AB 301](#) (Frank Bigelow, R-O'Neals) would prorate the annual charge for homeowners who only owned a habitable structure for a portion of the year; and
- [SB 198](#) (Mike Morrell, R-Rancho Cucamonga) and SB 520 (Tom Berryhill, R-Modesto) would repeal the charge outright.
- [SB 263](#) (Ted Gaines, R-Roseville) is a "spot bill" with no substantial changes that is intended to hold a spot in a relevant section of this law for future amendment.

Farm Bureau will be supporting all of these measures as the wheels of justice grind slowly forward.

Labor and Employment:

[AB 561](#) (Nora Campos, D-San Jose) amends the Agricultural Labor Relations Act to require an employer appealing an Agricultural Labor Relations Board order that imposed a contract as a result of mandatory mediation and conciliation to post a bond for the "entire economic value of the order."

[AB 1170](#) (Luis Alejo, D-Salinas) creates a two year pilot program exempting agricultural employers from workers comp and instead creates a "Pilot Program for the Care of Agricultural Workers." It would require the Department of Industrial Relations to determine how much ag employers spend on workers' compensation insurance and require employers to instead deposit those amounts into a trust fund to provide care for occupational and non-occupational injuries and illnesses.

[AB 1389](#) (Jim Patterson, R-Fresno) requires that an order imposing a contract on an employer by the Agricultural Labor Relations Board pursuant to the Mandatory Mediation and Conciliation process be ratified by the affected employees.

[SB 3](#) (Mark Leno, D-San Francisco) increases the state minimum wage to \$11/hr on 1/1/16, \$13/hr on 7/1/17 and indexes it thereafter to inflation.

[SB 406](#) (Hannah-Beth Jackson, D- Santa Barbara) expands the scope of the California Family Rights Act (CFRA) to cover employers with five employees within a 75 mile radius (present law applies CFRA to employers with 50 employees within a 75 mile radius).

[SB 579](#) (Hannah-Beth Jackson, D- Santa Barbara) expands the reasons Paid Sick Leave (created by AB 1522 in 2014) may be used to include a childcare or school emergency.

In addition, Farm Bureau is following these “spot bills” that may develop into influential legislation:

[AB 20](#) (Luis Alejo, D-Salinas) makes findings that Congressional inaction on immigration reform is detrimental to California and that the state should explore a California worker legalization program for service and agricultural workers.

[AB 304](#) (Lorena Gonzalez, D-San Diego) is expected to become a vehicle for cleaning up the legislation creating the Paid Sick Leave mandate (AB 1522 in 2014).

[AB 622](#) (Roger Hernandez, D-West Covina) states the intent of the legislature is to prohibit an employer from using the e-Verify program unless required to do so by federal law.

[SB 4](#) (Ricardo Lara, D-Bell Gardens) declares the intention of the legislature is that undocumented people should have access to health insurance.

Natural Resources and Commodities:

[AB 243](#) (Jim Wood, D- Healdsburg) requires medical marijuana cultivation to be conducted in accordance with state and local laws. The bill would also require state agencies to address the environmental impacts of medical marijuana cultivation and coordinate with local governments and law enforcement to enforce current laws.

[AB 264](#) (Brian Dahle, R-Bieber) excludes flower, agricultural, and vegetable seeds from the definition of agricultural products in the Produce Dealers Act. This would exempt seed dealers from having to be licensed by CDFA as produce dealers and would eliminate the recourse for seed growers provided by the Market Enforcement Branch.

[AB 429](#) (Brian Dahle, R-Bieber) creates a state purchasing preference for California grown forest products when state agencies are purchasing lumber or other solid wood products.

[AB 498](#) (Marc Levine, D-San Rafael) encourages projects proponents, as defined in the California Environmental Quality Act, to consult with the Department of Fish and Wildlife when the project would impact wildlife corridors. Project proponents would be asked to protect or restore the functioning of the wildlife corridor.

[AB 689](#) (Bill Dodd, Napa) increases the authority of the California Department of Food and Agriculture to issue fines against individuals violating current regulations governing the marketing of shell eggs to \$10,000. The current fine limit is \$1,000.

[AB 732](#) (Jim Cooper, D-Elk Grove) allows owners of cattle to add a minority business partner without needing to have the herd of cattle inspected so long as the cattle are not being moved off of the current property. The intent of the bill is to reduce costs of transferring family dairies and cattle ranches to the next generation. CFBF is the sponsor.

[AB 1019](#) (Eduardo Garcia, D-Coachella) creates a Metal Theft Task Force to increase enforcement against metal thieves and illegal recyclers. The Task Force is modeled after the Central Valley and Central Coast Rural Crime Prevention Programs and would be funded through additional fees on junk dealers and recyclers. CFBF is the sponsor.

[AB 1135](#) (Committee on Agriculture) excludes cultivated mushrooms and herbs from being sold in the ancillary section of a Certified Farmers’ Market. Last year’s AB 1871 (Dickinson) prohibited the sale of whole fresh produce in the ancillary section.

[AB 1247](#) (Jacqui Irwin, D-Thousand Oaks) requires the California Department of Food and Agriculture to develop a plan to expand the promotion of organic input materials for the production of food and fiber with funding for this effort coming from the Greenhouse Gas Reduction Fund.

[SB 27](#) (Jerry Hill, D-San Mateo) prohibits the over-the-counter sale of medically important antibiotics, prohibits the use of medically important antibiotics for feed efficiency or growth promotion, requires the California Department of Food and Agriculture (CDFA) to develop a program to track the use of medically important antibiotics in livestock, and requires CDFA to create an antibiotic stewardship program to promote the judicious use of antibiotics. Farm Bureau has expressed concern over the ban on over-the-counter sales and the creation of a tracking program, but recognizes the need to participate in efforts to reduce antibiotic resistance.

[SB 165](#) (Bill Monning, D-Carmel) allows the Department of Fish and Wildlife (DFW) to impose additional civil penalties for violating specific provisions of the Fish and Game Code, Public Resources Code, and Penal Code in connection with the cultivation of a controlled substance. This bill gives additional fine authority to DFW to collect fines against marijuana cultivation that violates environmental laws.

[SB 234](#) (Lois Wolk, D-Davis) appropriates \$19 million from the general fund for the Department of Fish and Wildlife to make its payment in lieu of taxes to local governments for the lands it owns.

[SB 457](#) (Jim Nielsen, R-Gerber) Current law requires the Department of Fish and Wildlife to create buffers around parks, wildlife refuges, and other conservation lands where bobcat trapping is prohibited. This bill would allow the Department of Fish and Wildlife to use landmarks to delineate the buffer areas where bobcat trapping is prohibited in addition to highways and major roads.

[SB 770](#) (Tony Mendoza, D-Artesia) requires that the California Department of Food and Agriculture (CDFA) continue to be the primary regulatory agency over medicated feed. With the federal label changes being made to require veterinary oversight of medically important antibiotics in livestock feed there are questions surrounding whether or not medicated feed regulation would be transferred to the Board of Pharmacy. This bill would ensure oversight remains with CDFA.

Transportation and Education:

AB 916 (Patrick O'Donnell, D-Long Beach) is an attempt to reinstate the funds that were cut from all Career Tech Student Organizations during the budget crunch several years ago. The bill would appropriate \$1,170,000 from the General Fund to the State Department of Education for the purpose of providing funds in support of Career Technical Education (CTE) student organizations (CTSO). The measure would fund CTSOs such as Cal-Health Occupation Student Association for health career students; California Future Farmers of America for pupils studying agriculture and its related careers; Future Business Leaders of America for pupils enrolled in business courses; Future Homemakers of America – Home Economics Related Occupations for pupils interested in home economics related occupations; Distributive Education Clubs of America for pupils interested engaged in marketing programs; and Skills USA for pupils interested in transportation, arts, media, entertainment, engineering, and construction. Farm Bureau supports.

[SB 148](#) (Mike McGuire, D-Healdsburg) establishes the Career and Job Skills Education Act, which would authorize the governing board of a school district to apply to the Superintendent for a grant for the development and enhancement of career technical education programs.

[SB 344](#) (Bill Monning, D-Carmel) requires a person applying for a commercial driver's license to successfully complete a course of instruction from a training institution certified by the Department of Motor Vehicles before qualifying for a commercial driver's license.

Energy:

[SB 350](#) (Kevin de León, D- Los Angeles) creates the Clean Energy and Pollution Reduction Act of 2015 that implements new "50-50-50" benchmarks by raising California's renewable portfolio standard from 33% to 50%, striving for a 50% reduction in petroleum use and increasing energy efficiency in buildings by 50% by the year 2030. These standards will be permanent, trackable, and enforceable by enacting them into law to ensure they are fully implemented. Farm Bureau opposes.

[SB 687](#) (Ben Allen, D-Santa Monica) requires creation of a Renewable Gas Standard (RGS) by June 30, 2016 followed by an analysis of the lifecycle emissions of greenhouse gases and reductions for different biogas types and end use by January 1, 2017. Having to procure up to 10 percent renewable natural gas will lead to significantly higher energy costs and severe economic dislocation in an already struggling agricultural economy, further harming workers and their families. Farm Bureau opposes.